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1 listen.

2 CHAIRMAN SMITH: And what problems are  
3 they describing?

4 MS. TOWNSEND: There's people who are  
5 resident aliens who are voting because they are told to,  
6 and they are given a everything, IDs, whatever they need  
7 by the opposing party, the one that is controlling the  
8 little town. They walk across -- One man walked across  
9 and they asked him aren't you from Mexico? Yes, but I  
10 was told to vote. I have the papers. When people live  
11 this when, they're out there trying to clean up their  
12 little town and it's just happening right in front of  
13 their face and nobody is helping, that's frustrating for  
14 them, enough so they came up here -- got up at 5 o'clock  
15 this morning and drove up here to have somebody pay  
16 attention to their problems. But it's okay. I mean,  
17 they went back. They understand. I'm not sure I do,  
18 but they understand.

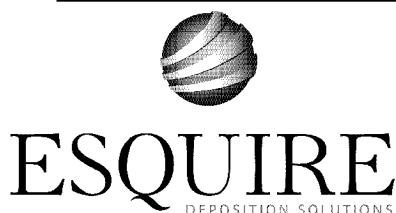
19 CHAIRMAN SMITH: Are you getting paid? Is  
20 this a job what you do?

21 MS. TOWNSEND: Are you joking?

22 CHAIRMAN SMITH: You're a volunteer?

23 MS. TOWNSEND: My husband wishes.

24 CHAIRMAN SMITH: So what you're doing is a  
25 matter of conviction on your part as a volunteer.



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1 MS. TOWNSEND: Yes.

2 CHAIRMAN SMITH: Okay.

3 MS. TOWNSEND: And I've been a court  
4 watcher for 30 years.

5 CHAIRMAN SMITH: When you talk about  
6 conversations, is this a single conversation? How many  
7 conversations have you had with people?

8 MS. TOWNSEND: With the people --

9 CHAIRMAN SMITH: Describe the kind of  
10 problem that you're referring to.

11 MS. TOWNSEND: Oh, I don't know. Probably  
12 six or seven times.

13 CHAIRMAN SMITH: Okay. All right.

14 Members, questions? Vice-chairman Pena?

15 VICE-CHAIRMAN PENA: Hello, Ms. Townsend.

16 MS. TOWNSEND: Hello.

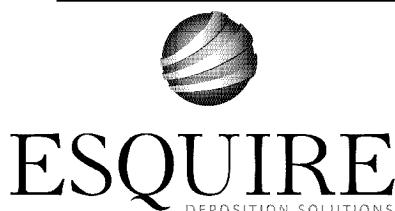
17 VICE-CHAIRMAN PENA: How are you doing?

18 MS. TOWNSEND: I'm okay.

19 VICE-CHAIRMAN PENA: Yeah, I will attest  
20 that the OWLS, which is the group that you all call  
21 yourselves, started as I recall watching the court  
22 system down in south Texas.

23 MS. TOWNSEND: Yes.

24 VICE-CHAIRMAN PENA: You all sat in and  
25 watched trials to make sure that the legal system was



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1 above board, right?

2 MS. TOWNSEND: Yes.

3 VICE-CHAIRMAN PENA: That's how you all  
4 started?

5 MS. TOWNSEND: Yes, sir.

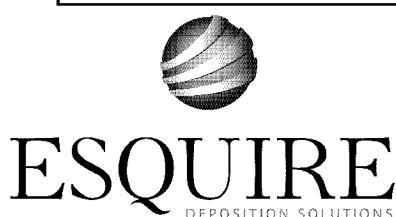
6 VICE-CHAIRMAN PENA: And since I live down  
7 there with you, I think I understand what you're talking  
8 about to some degree. You are talking about the elderly  
9 from adult daycare centers who are rounded up and put  
10 into buses or vans. The talk is that some people may be  
11 paid to organize them and then these senior citizens  
12 are -- some of them who don't really understand really  
13 fully what's going on are told to vote. Sometimes  
14 people will walk in with them to assist them because  
15 their language skills may not be -- be sufficient and  
16 maybe they assist in voting.

17 MS. TOWNSEND: Yes.

18 VICE-CHAIRMAN PENA: Right? That sort of  
19 thing?

20 MS. TOWNSEND: M-hm.

21 VICE-CHAIRMAN PENA: We're talking about  
22 the excessive use of what we in south Texas call  
23 politiqueras or vote harvesters is the phrase used up  
24 here, and maybe some excesses in and that sort of thing,  
25 right?



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1 MS. TOWNSEND: I think some people make a  
2 living out of it.

3 VICE-CHAIRMAN PENA: Right. We heard some  
4 testimony about people with mail-in ballots may go  
5 looking for ballots and picking them up out of the  
6 mailbox and then voting.

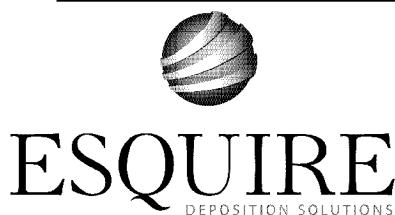
7 MS. TOWNSEND: Yes.

8 VICE-CHAIRMAN PENA: And then having them  
9 sign it and that sort of thing.

10 MS. TOWNSEND: Yes. That's very hard to  
11 prove, but --

12 VICE-CHAIRMAN PENA: It is very hard to  
13 prove, but the only thing -- You know, so we agree on  
14 almost on all those things because I live there, and I  
15 see it along with you, and I agree with that position  
16 that some corruption is occurring and it's up to our  
17 DA's to do something and that laws can be implemented  
18 for us to improve it.

19 The problem I have though, Ms. Townsend,  
20 is other than this circumstance in Progresso that has  
21 been raised, which I've not been able to explore much  
22 because of the AG's concerns, is that I -- even though  
23 you and I share the same hostility toward corruption, I  
24 don't see the impersonation. That's the only thing --  
25 That's the only disagreement you and I have on -- on



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1 what we've talked about here is that the impersonation  
2 is just not there. All the other things you talked  
3 about and that we shared, you and I know that happens in  
4 some of our smaller towns where the school districts are  
5 the only source of employment, so everybody fights over  
6 the jobs. But when it comes to voter impersonation,  
7 other than Progresso, have you ever seen that before?

8 MS. TOWNSEND: I've heard about it. Have  
9 not seen it.

10 VICE-CHAIRMAN PENA: Yeah. That's -- You  
11 know, that's my reservation is that when we fashion  
12 things -- These are all good people here. We try to  
13 fashion what we think is right. We want to make sure  
14 that we're not -- you know, we've got a problem with our  
15 little toe, we don't want to cut off the whole leg, you  
16 understand? And so when we hear about voter  
17 impersonation being a problem, it's hard for me because  
18 I concede some of the stuff you're talking about, but I  
19 don't see the impersonation. And if we're going to deal  
20 with the abuse of our elderly like you and I are  
21 concerned about in our adult daycare centers and -- and  
22 we're going to deal with the mail-in ballot problems, we  
23 need to deal with those things, but had it come to the  
24 impersonation to spend so much money. It's difficult.

25 And so what -- what we've been doing here



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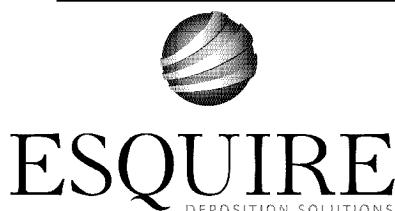
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1       is trying to explore options, and the chairman has been  
2       taking testimony so that we can find a workable solution  
3       and try to find some common ground, and if not, we'll  
4       have to take our the positions that we hold at the  
5       moment as I've shared with you in private, because I  
6       don't see voter impersonation on a wide scale. It  
7       really is a cost benefit analysis for me, and the cost  
8       is just simply great. But that does not mean that we  
9       cannot listen and learn and perhaps fashion something  
10      that people can live with, but I thank you for your  
11      testimony, and I thank you for all the years you've been  
12      doing this in Hidalgo County. I know that the -- the  
13      lawyers shaped up a bit when you guys were watching down  
14      in south Texas, so I thank you for that. Thank you.

15      Mr. Chair?

16                  MS. TOWNSEND: This bill is just the  
17      beginning, you all. I think it's a step in the right  
18      direction, but it's just the beginning. There's a lot  
19      more to be done. Thank you.

20                  CHAIRMAN SMITH: Any questions, members,  
21      of Ms. Townsend? Thank you very much for coming today.  
22      Appreciate it. At this time chair calls Dustin Rynders  
23      speaking -- representing, Advocacy, Inc. and Disability  
24      Policy Consortium testifying against Senate Bill 362; is  
25      that correct?



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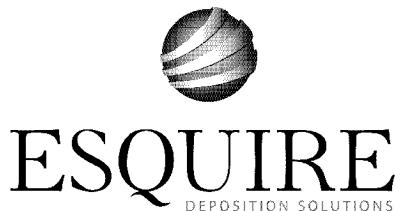
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1                   MR. RYNDERS: That's correct.

2                   CHAIRMAN SMITH: Would you please state  
3 your name for the record?

4                   MR. RYNDERS: Thank you very much. I'm  
5 Dustin Rynders from Advocacy, Incorporated and the  
6 Disability Policy Consortium. Advocacy, Incorporated is  
7 the state-wide protection and advocacy organization  
8 designated by the Federal government to protect the  
9 legal rights of people with disabilities in the State of  
10 Texas. I'm also authorized to speak here today on  
11 behalf of the Disability Policy Consortium, which is a  
12 group of 24 state-wide disability rights organizations,  
13 and I'm here to testify against Senate Bill 362 as  
14 written, but also want to commend the committee for  
15 really elevating, I think, this dialogue in the last  
16 two days beyond the way we've, I think, heard it  
17 discussed before.

18                  Specifically, I -- the mission of our  
19 organization is to both expand access to people with  
20 disabilities as well as to ensure the kind of security  
21 that the Help America Vote Act, which gives us partial  
22 funding to do our work, is designed to do as well, and  
23 so those goals dealing both with access to the franchise  
24 and security in a comprehensive manner are fully  
25 consistent with the things that we want to see done in



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1        elections. Of course, our concerns over the bill have  
 2        been addressed already.

3                You know, we do not see the kind of proof  
 4        of in-person voter impersonation that -- that the  
 5        picture ID is designed to prevent. We do disagree at  
 6        all that there is some voter fraud in Texas in other  
 7        areas. I think we've heard -- heard convincing evidence  
 8        in some areas in registration. I'll tell you nationwide  
 9        in our experience and as members of the Election  
 10      Protection Network, registration is the big issue in  
 11      voting rights nationwide, in Texas and in other states.

12               I think there's a lot -- We can explore,  
 13        if you all are interested, in reforms around our  
 14        registration list, our access to registration,  
 15        furthermore, around the mail-in ballot system. Of  
 16        course, access to mail-in ballots is very important to  
 17        my people, but there are ideas that I have about how we  
 18        can deal with security in those. Is it your question  
 19        time if I answer now?

20               CHAIRMAN SMITH: You bet. I want to hear  
 21        them. Give them to me.

22               MR. RYNDERS: Okay. For instance, in the  
 23        mail-in ballot system, a lot of people with disabilities  
 24        do not want to vote by mail, right? I mean, it needs to  
 25        be available to people who can't go to a polling place,



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1       but, remember, whenever you're assisted by a person, the  
 2       kind of corrupt individuals that we've heard about or a  
 3       good natured friend or family member, you're losing the  
 4       privacy of your ballot.

5                  One of the best things about HAVA is it  
 6       allows you with an accessible machine to have a private  
 7       and independent ballot. If you had voting -- mobile  
 8       voting centers during early voting that took these  
 9       accessible machines out to where the people are who  
 10      can't go to the polling place, you'd decrease the need  
 11      for people to be voting by mail. You know, a lot of  
 12      what we talk about in the needs of the disability  
 13      community are going to be talking about mobility, right?  
 14      If you have people who aren't able to go where you are  
 15      or access information in the same way, you have to deal  
 16      with mobility.

17                 So if we're talking about IDs, it's not  
 18       enough just to have the free ID. We've already heard  
 19       you also have to pay for the birth certificate, but you  
 20       also have to go to them, right? And we know that in  
 21       Georgia part of their preclearance process was that they  
 22       said they were going to go to people, and we heard  
 23       really interesting testimony last night that apparently  
 24       they didn't go to people. In the disability community  
 25       you absolutely must go to people. I mean, you cannot



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1 expect everyone to show up at a certain place to get  
 2 their ID or to cast their vote, but that doesn't mean  
 3 the mail-in ballots is the only option. It has to be  
 4 one option, but you can definitely decrease reliance on  
 5 mail-in ballots with mobile voting centers.

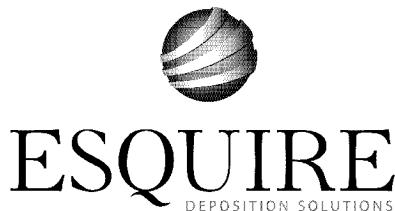
6 CHAIRMAN SMITH: Thank you. And, I mean,  
 7 I'm going to give the members an opportunity to ask  
 8 questions, but I just want to kind of give everybody a  
 9 sense of where we are. My understanding is that there's  
 10 62 witnesses left to testify on this bill before we get  
 11 to the other bills. If we do not ask any questions,  
 12 that's three hours, and we have done a very good job in  
 13 not asking any questions, and that's, again, before we  
 14 get to the other bills that we have before the  
 15 committee, and there are a number of witnesses that are  
 16 going to testify with regard to certain of these other  
 17 pieces of legislation.

18 So I'm -- The agreement among the members  
 19 was we would let everybody testify for 3 minutes, and  
 20 the members will ask any questions they wanted. I  
 21 wanted to advise you of the 3 seconds as we proceed.  
 22 Any questions of this witness? Dead silence.

23 MR. RYNDERS: Thank you.

24 CHAIRMAN SMITH: Representative Anchia.

25 REPRESENTATIVE ANCHIA: Just -- Just a



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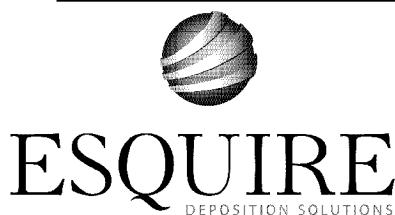
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1 couple. Thanks for testifying. Advocacy does a --  
 2 always does a really good job before this committee.  
 3 Couple of questions. Are people with disabilities less  
 4 likely to have photo ID and if so why?

5 MR. RYNDERS: Absolutely. I so wanted to  
 6 stand up when you asked if anyone in the room would be  
 7 affected by this bill because I absolutely have  
 8 represented people who are. I'll just give you a little  
 9 history of me as a lawyer. I've represented a lot of  
 10 people with disabilities who were affected by Hurricane  
 11 Katrina. I was in the Houston area after Katrina and  
 12 worked with a lot of those people. Myself personally, I  
 13 represented six individuals who had no paperwork,  
 14 identity, prescriptions for pharmaceuticals that they  
 15 needed, anything, so there are absolutely people out  
 16 there who don't have IDs.

17 As you've already heard from the -- the  
 18 gentleman who represents homeless individuals, those of  
 19 us who work with low income individuals with  
 20 disabilities, without disabilities, we all know how hard  
 21 it is to get the ID because we've all tried to help our  
 22 clients get them, and so there are absolutely people out  
 23 there who are impacted.

24 Representative Anchia, I like that you  
 25 brought the attention earlier today to this larger



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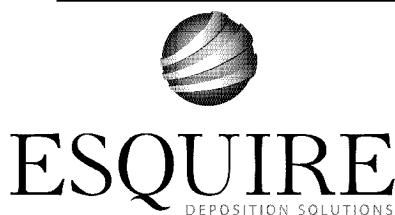
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1       number of the people who don't have the two most  
 2       preferred IDs. We've heard a lot about 2 percent. That  
 3       may be the best estimate of who don't have one form of  
 4       photo ID, but certainly the numbers post HAVA's and  
 5       September 1st, 2006, when an ID number was required on  
 6       the voter registration application, if the person has it  
 7       would tend to show that somewhere between 800,000 and  
 8       1.2 million eligible Texas voters would not have the two  
 9       most common forms of photo ID.

10                  Now, of course, some of those people  
 11       definitely have other documents that are on the list. I  
 12       think the most important thing to consider about those  
 13       other forms of documents is that you've heard confusion  
 14       in this room today about exactly what the bill does and  
 15       what the bill doesn't do in making voters understand who  
 16       have always shown up year and year, again, with that  
 17       registration certificate, what's going to be required,  
 18       and I'll tell you that kind of education for people with  
 19       disabilities is going to go back to in-person training  
 20       in mobile units even providing that training. It is not  
 21       enough to provide written documentation on a back of a  
 22       registration card to the people I represent or --

23                  REPRESENTATIVE ANCHIA: Can I just ask you  
 24       about that because that was one of the technical  
 25       questions that I had, and I know you're familiar with



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1 HAVA. The notice requirement in the Senate Bill says  
 2 we're going to put it on the back of your -- of your  
 3 voter registration card. I looked at the back of mine  
 4 and the font -- it's full, right, and the font is like  
 5 6-point, so if we're adding additional notice about all  
 6 the different types of ID that you need, is it going to  
 7 be 2-point font, 1-point font? Is it going to be  
 8 readable? Is it going to be -- Is it going to be ADA or  
 9 HAVA compliant? Let's start with ADA since you know a  
 10 little bit about that.

11 MR. RYNDERS: Accessible font is 14-point  
 12 Arial, so I think we can say it's not going to be  
 13 14-point Arial. The other thing we need to know is that  
 14 there are people who are visually impaired. A lot of  
 15 who HAVA was trying to get at to provide that kind of  
 16 independence are nonreaders, you know, people who aren't  
 17 going to be able to see even a normal font, so we're  
 18 going to need that education to go out in multiple  
 19 forms. I'm not saying don't put it on the back of the  
 20 registration card, but we're going to want to see a full  
 21 scale campaign and, you know, the idea of how much you  
 22 spend on education, just to give you some information on  
 23 that, based on HAVA, in the last few years we've  
 24 allocated over 3 million, 3.4 million, 3.5 million in  
 25 HAVA funds for voter education in the state, even



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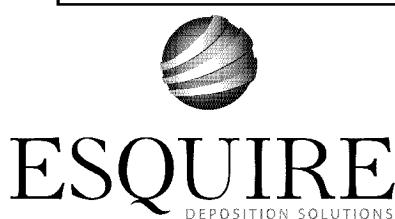
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1 without the kind of drastic changes that are being  
 2 proposed with this kind of legislation.

3                   So you're going to need to see a robust  
 4 educational effort that is multifaceted dealing not only  
 5 with the written kind of documents, but, also, I think,  
 6 you know, PSA's on the radio, things on the -- the  
 7 television. You are definitely going to need a lot and  
 8 in-person outreach to specifically targeted communities.  
 9 This 2 percent -- We keep talking about this 2 percent.  
 10 You don't only get to in the newspaper. This 2 percent  
 11 you have to get to in the streets.

12                  REPRESENTATIVE ANCHIA: And is the  
 13 disability community concentrated in clusters dispersed?  
 14 You know, I want to get a sense -- we're concerned about  
 15 making sure everybody has a franchise. If you're an  
 16 American, if you're a Texan, if you are eligible, it's  
 17 my sense and I think the sense of everybody on the  
 18 committee, we want you to vote. What's the best way to  
 19 reach the community that you represent?

20                  MR. RYNDERS: People with disabilities are  
 21 absolutely filtered throughout the state. They come in  
 22 all ages and races and colors and political  
 23 affiliations. Some are in institutions. Some are in  
 24 community centers. There's a lot of talk about nursing  
 25 homes, and these are places I have a lot of experience



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1       on voting issues. I'd be happy to work with any members  
2       of the committee in concerns in those areas and -- and  
3       expanding the franchise in those areas.

4                  But you have to remember that the whole  
5       paradigm of people with disabilities being in  
6       institutions is a dated paradigm. Now, Texas's system  
7       is also dated, but we do have more and more people with  
8       disabilities who are living in the community, and so  
9       when we talk about outreach, it can't only be focused on  
10      institutional settings. It also has to be those  
11      individuals who are at home. So you may have mobile  
12      voting centers who can hit low lying fruit at  
13      institutional settings or you are going to have clusters  
14      of people who are living -- but you are also going to  
15      still have to make sure that you're reaching out to  
16      those individuals who are living in their home with  
17      perhaps day support or hours of respite for caregivers.

18                  REPRESENTATIVE ANCHIA: Okay. I  
19      appreciate your testimony.

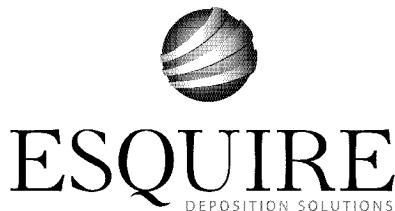
20                  MR. RYNDERS: Thank you.

21                  CHAIRMAN SMITH: Thank you. Members, any  
22      other questions? Thank you.

23                  MR. RYNDERS: Thank you.

24                  CHAIRMAN SMITH: Appreciate it very much.

25      At this time the chair calls Ignacio Aguilar



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1 representing himself testifying in favor -- He's not  
2 going to testify. He's gone. Don't see anybody, so  
3 we're going to show him as not testifying but as in  
4 favor of the bill.

5 At this time the chair calls Jerry Lee  
6 Phillips. This may reduce that 60 number somewhat. I  
7 don't see -- Are you Jerry Lee Phillips?

8 MR. PHILLIPS: Yes, sir.

9 CHAIRMAN SMITH: Okay. Testifying against  
10 the bill and representing yourself.

11 MR. PHILLIPS: That is correct, sir.

12 CHAIRMAN SMITH: All right. Please state  
13 your name and proceed.

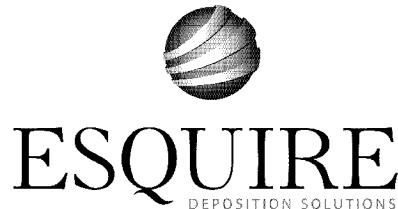
14 MR. PHILLIPS: My name is Jerry Lee  
15 Phillips. I am from Hurst, Texas. Thank you, Chairman  
16 Smith.

17 CHAIRMAN SMITH: Got my attention.

18 MR. PHILLIPS: Yes. That's House District  
19 92, isn't it?

20 CHAIRMAN SMITH: Good.

21 MR. PHILLIPS: Thank you, Chairman Smith,  
22 and to the rest of the members of the elections  
23 committee. I thank you also for the opportunity to  
24 speak. I believe my friendly testimony will reflect the  
25 feelings of a large number of hard working Texans from



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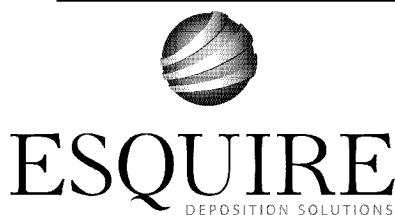
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1 House District 92, and other areas of our state who  
 2 could not take time away from work or were unable to  
 3 leave their families to come to Austin to address you  
 4 about this controversial election legislation.

5 As you've heard in other testimony,  
 6 Chairman Smith and committee, there are no proven  
 7 widespread voter fraud issues in Texas. Republican  
 8 Attorney General Greg Abbott has spent over a million  
 9 tax party dollars trying to hunt down election  
 10 violators. He has come up empty handed. The former  
 11 political director for the Texas Republican party as  
 12 cited by the Brennan Institute for Justice concluded  
 13 that Voter ID legislation would suppress traditional  
 14 democratic voter turn out by a significant 2.93 percent.  
 15 That's a lot of voters.

16 Whether intended or not, and I'd like to  
 17 repeat that, whether intended or not, you are  
 18 considering a voter suppression bill. Pursuit of voter  
 19 suppression legislation is tantamount to political  
 20 hanky-panky with the ugly goal of unfairly perpetuating  
 21 one party dominance for several more election cycles.

22 There's some very important facts that I'd  
 23 like to remind Chairman Smith and this committee of.  
 24 First, that according to the Wall Street Journal  
 25 article, in July 2008, Texans pay some of the very



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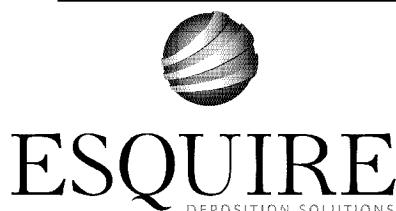
1 highest utility rates in the United States. Escalating  
 2 utility costs is a real problem facing mainstream  
 3 Texans. Pursuing partisan legislation that would  
 4 restrict the right of minorities, seniors and young  
 5 Texans to vote does not solve that problem.

6 According to KTXA Channel 11, Texans pay  
 7 some of the highest homeowners insurance rates in the  
 8 United states. Escalating homeowner insurance rates is  
 9 a problem facing mainstream Texans and partisan election  
 10 legislation does not solve that problem either.

11 According to the Dallas Morning News economy watch, the  
 12 State of Texas has lost over 100,000 jobs so far in 2009  
 13 and is projected to lose another 600,000 by the end of  
 14 this year. Job loss is a problem facing mainstream  
 15 Texans, many who live in House District 92.

16 The proposed legislation that restricts  
 17 the right of minority seniors and young Texans to vote  
 18 simply does not deserve the attention of the  
 19 legislature. As a constituent in House District 92, I  
 20 ask you, Chairman Smith and committee, to address the  
 21 growing utility crisis in Texas, make tuition affordable  
 22 for -- for hard working Texas and bring down those  
 23 insurance rates. These are the issues facing your  
 24 constituents in House District 92 and elsewhere.

25 I implore this committee to get its



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1 priorities right, drop the voter suppression bill, allow  
2 the legislature to devote its full attention to our  
3 state's biggest problems without the distraction of the  
4 highly partisan election bill. I appreciate your  
5 courtesy.

6 CHAIRMAN SMITH: Is it -- Is it your  
7 impression, Mr. Phillips, that the 2 point -- is it  
8 2.9 percent? 2.7 percent. 2.7 percent finding in that  
9 study by the Brennan Institute pertains to the  
10 legislation that we're considering --

11 MR. PHILLIPS: Pardon me, sir?

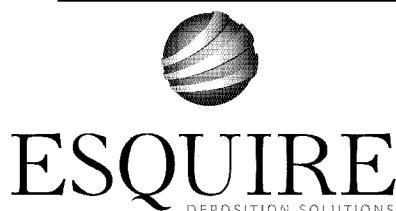
12 CHAIRMAN SMITH: -- today? Do you  
13 think -- Do you think that finding of -- of that study  
14 pertains to what's being proposed in Texas?

15 MR. PHILLIPS: What's being proposed in  
16 Texas? You know, I haven't read the report, I'll be  
17 honest. I just heard a report of the testimony last  
18 night, Mr. Chairman.

19 CHAIRMAN SMITH: So you heard discussion  
20 of it last night.

21 MR. PHILLIPS: I heard report of the --  
22 the discussion last night. I was not in attendance.

23 CHAIRMAN SMITH: Okay. Here's -- Just  
24 want to make this point quickly for you, and I don't  
25 know if the audience has had a chance to consider this



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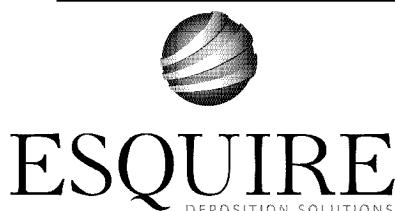
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1 either. There's a number of studies. What you've done  
 2 is cited one of them. There is another study from the  
 3 Heritage Foundation, and these are sort of think tanks  
 4 that tend to align themselves, and I don't want to name  
 5 any names, but one tends to have more conservative  
 6 findings, and one tends to have less conservative  
 7 findings, and -- and in this instance, they do as well.

8                   There are a number of studies that  
 9 indicate that even if you compare -- I'm reading from  
 10 the study that you're citing to. It says, Voters in  
 11 states that required photo identification, that required  
 12 it, were 2.7 percent less likely to vote than voters in  
 13 states where individuals had to give their names,  
 14 meaning, Vermont. All you have to do is go to the polls  
 15 and state who you are. What this study is saying, which  
 16 is different than a number of other studies which have  
 17 found that even when you compare the -- the least  
 18 onerous system to the most onerous system, there is no  
 19 change in turnout.

20                   This finding suggests that when you do  
 21 compare the most onerous system, like Vermont's, where  
 22 you just show up and say my name is Todd Smith, if they  
 23 see your name on the roll, they let you vote. To  
 24 Indiana, one extreme to the other. Indiana, hard photo  
 25 identification requirements, only way your vote counts



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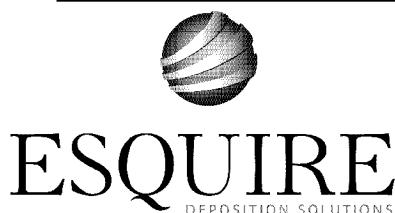
1 if you don't have it, just to do certain things within  
2 10 days.

3 If you make that comparison, one of  
4 several studies has concluded that there's an effect.  
5 Again, many other studies or several other studies have  
6 made a different finding, but there's not any study --  
7 there is no evidence to suggest that the marginal change  
8 that's being proposed by the Senate Bill in Texas, which  
9 is simply going from a requirement that you have either  
10 photo or non-photo identification, to a requirement that  
11 you have either photo or two forms of non-photo  
12 identification, has any effect on voter turnout.

13 Are you aware of any study that would  
14 indicate or suggest that that difference, which is  
15 the -- that's the difference before us today, would --  
16 would have any effect on voter turnout?

17 MR. PHILLIPS: No. It was just my  
18 understanding that people like my mom, who are getting  
19 old and somewhat forgetful and no longer have Voter ID,  
20 that this would create a burden for them and, therefore,  
21 people in her age category would be less likely to vote.

22 Now to answer your question specifically  
23 because I apologize because I knew that's what you were  
24 going to say is do you know specifically. No, sir, I  
25 don't.



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1 CHAIRMAN SMITH: Okay.

2 MR. PHILLIPS: I just know my mom pretty  
 3 good, and I wouldn't want to put her in the spot because  
 4 she does feel that voting is her civic duty, and like I  
 5 said, she's gotten forgetful, and she's gotten where she  
 6 doesn't have a driver's license, and so it could be an  
 7 issue with my mother.

8 CHAIRMAN SMITH: Well, and you understand  
 9 that one of the documents she can use to vote is a  
 10 Medicare card? She has one of those, doesn't she?

11 MR. PHILLIPS: She certainly does, yes,  
 12 sir.

13 CHAIRMAN SMITH: Okay. All right. And so  
 14 I just I think there are two legitimate issues, if not  
 15 more, before the committee. One is the evidence  
 16 relating to fraud, what is -- is the purpose of this  
 17 legislation. The other though, which is sometimes  
 18 skipped over, is the evidence suggesting that this small  
 19 marginal change in the existing identification that is  
 20 required to vote in the State of Texas will in fact have  
 21 any effect of any kind, and let me tell you, I got half  
 22 my friends on this committee that have argued that if we  
 23 do this, it's going to dramatically increase turnout,  
 24 and I don't agree with them anymore than I agree with  
 25 you. I don't there's any -- I don't think there's any



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1 evidence to suggest that this change in the law is going  
2 to -- to affect our turnout in this state to one iota  
3 for whatever it's worth. But I appreciate you coming  
4 down. Any other questions from the members of the  
5 panel? (Inaudible.)

6 Yeah. I think we have had arguments from  
7 this panel, there's no question. So any other questions  
8 for Mr. Phillips? Representative Heflin?

9 REPRESENTATIVE HEFLIN: Mr. Chairman,  
10 Mr. Phillips, as to your mom and other senior citizens,  
11 now she doesn't have a photo ID, but she has an ID  
12 showing she's over 65.

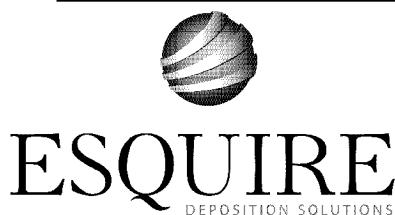
13 MR. PHILLIPS: Yes, sir.

14 REPRESENTATIVE HEFLIN: So if we put a  
15 provision in the bill that exempted those over 65 from  
16 having the photo as long as they have some documentation  
17 proving they're over 65, would you believe that would be  
18 a burden upon the senior citizens or most of them have  
19 Social Security cards and/or Medicare cards?

20 MR. PHILLIPS: You know, certainly I'm  
21 sure it would cover most folks. I guess we're all -- or  
22 I guess the committee is looking at that number of folks  
23 who maybe wouldn't be in that --

24 REPRESENTATIVE HEFLIN: Right.

25 MR. PHILLIPS: -- group. So you would



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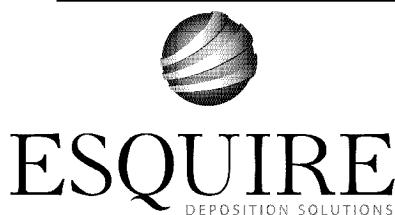
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1       probably know better than I about that number of folks  
 2       who don't have access to or don't have identification.

3                   REPRESENTATIVE HEFLIN: Right. So what I  
 4       would propose is that right now I would -- I have a hard  
 5       time picturing anyone 65 and younger in today's  
 6       society -- mobile society -- 65 is pretty young anymore  
 7       because some members are getting close to it, and I'm  
 8       not there yet, but I can see it around the corner -- so  
 9       would have an ID of some form that might have a photo on  
 10      it. So I would propose that, okay, those that are born  
 11      in 1944 and after, okay, fine, they will participate,  
 12      but that it goes up every year as we -- you know,  
 13      everybody is accustomed to this program.

14                  You know, this is not going to happen  
 15      overnight, but I just -- I want to make sure that we do  
 16      everything possible to make sure those senior citizens,  
 17      many who fought World War II and Korea and, you know,  
 18      have that right to vote because I think it's that  
 19      important that we do everything we can -- In fact, I  
 20      don't like the name Voter ID Bill. I think -- I think  
 21      this ought to be the voter enhancement and quality  
 22      assurance bill. I think that's where we need to go is  
 23      enhance every vote we can get to the polls, and so do  
 24      you think that would be fair to like your mom?

25                  MR. PHILLIPS: Well, I don't know. I'll



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1 have to ask my mother about that voter enhancement.

2 REPRESENTATIVE HEFLIN: Quality  
3 assurance --

4 MR. PHILLIPS: Quality assurance.

5 REPRESENTATIVE HEFLIN: -- bill, yes.

6 MR. PHILLIPS: But, you know, she's been  
7 sold soap before and she might want to read it first.

8 REPRESENTATIVE HEFLIN: Thank you very  
9 much.

10 MR. PHILLIPS: Yes, sir.

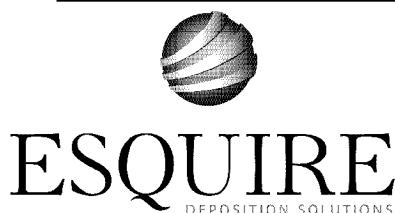
11 REPRESENTATIVE ANCHIA: Just a quick  
12 question. What does your mom use to vote right now?  
13 Her voter registration card? When she goes in does she  
14 bring her voter registration card with her?

15 MR. PHILLIPS: The last time she voted she  
16 voted by mail.

17 CHAIRMAN SMITH:

18 REPRESENTATIVE ANCHIA: Okay. The last  
19 time she voted in person when you -- if you take her to  
20 the polls, what was it she used?

21 MR. PHILLIPS: Well, it's been -- it's  
22 been probably four years since I took her or six to the  
23 polls, and she took actually -- she had an old driver's  
24 license that she took. Now, she hadn't been driving,  
25 but they accepted it.



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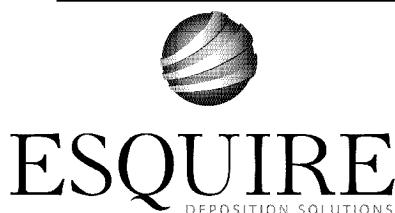
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1                   REPRESENTATIVE ANCHIA: Was it expired?

2                   MR. PHILLIPS: Yeah.

3                   REPRESENTATIVE ANCHIA: Okay. Depending  
 4 upon when it was expired, under this bill she wouldn't  
 5 have been able to vote if it, I -- I think, had been  
 6 expired two years from the date that you were going to  
 7 be voting that it might not -- her vote might not have  
 8 counted under the Senate Bill, so, I mean, I understand  
 9 why you'd be cautious about -- about the things that are  
 10 required and aren't. And my reason in asking that, what  
 11 people usually bring to the poll is people are in the  
 12 habit of bringing certain pieces of identification for  
 13 the polls.

14                  I've got constituents that for 40 years  
 15 have voted with their voter registration card. You  
 16 know, their husbands drove them around. Their husbands  
 17 have now passed on. They don't drive, but they like to  
 18 either walk to the polls or get a ride to the polls.  
 19 We'd furnish them with rides, and they vote with their  
 20 voter registration card. My fear is that if we change  
 21 the rules on them and say that that's insufficient and  
 22 don't do any -- any education, then they might just do  
 23 what they're used to and then not be able to vote. So I  
 24 think any change that we make in the law, and this may  
 25 allay some of your concerns, if we're able to implement



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1 it is that we need to do quite a bit of voter education  
2 and not implement this immediately because it could have  
3 an impact on a lot of people.

4 Now, we spend some time trying to  
5 education -- spend some time and money educating the  
6 public about any change that we undertake, so I just  
7 offered that up for thought.

8 CHAIRMAN SMITH: And I'll just say I think  
9 we're in agreement on that. Any other questions,  
10 members? Thank you. At this time the chair calls Vern  
11 McClaugherty. Is that right? I'm sorry.

12 MS. MCCLAUGHERTY: McClaugherty.

13 CHAIRMAN SMITH: McClaugherty.

14 MS. MCCLAUGHERTY: I thought maybe you had  
15 lost it. I was beginning to think that.

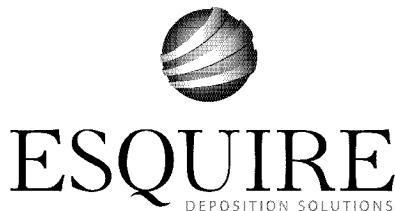
16 CHAIRMAN SMITH: That's probably true.

17 MS. MCCLAUGHERTY: We signed up way before  
18 lunch.

19 CHAIRMAN SMITH: Give us your name and who  
20 you represent.

21 MS. MCCLAUGHERTY: My name is Vern  
22 McClaugherty. I'm from Edinburg. I'm representing the  
23 OWLS and myself.

24 CHAIRMAN SMITH: You're testifying for  
25 Senate Bill 362?



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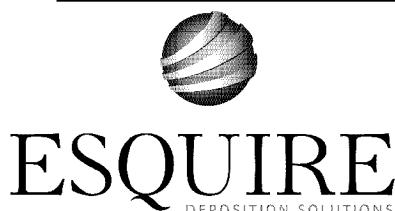
1 MS. McCLAUGHERTY: Yes.

2 CHAIRMAN SMITH: Thank you.

3 MS. McCLAUGHERTY: And first thing I want  
 4 to say is I'm from Hidalgo County, and when I say that,  
 5 most people up here giggle, so maybe you all know where  
 6 I'm from. One of our county commissioners was arrested  
 7 April the 2nd, '09 by the FBI. We've had a sheriff,  
 8 we've had our election administrator indicted. Crooks  
 9 in our county? I mean, things that go on, please.

10 We've had people here today that came up  
 11 here to speak to you so you would know the truth and  
 12 they were stopped dead in the water. We were not  
 13 supposed to say anything today, by the way. There is  
 14 evidence and it was a person that was in this room today  
 15 that was not a registered voter and voted. And I'm not  
 16 sure if they were from Mexico, but I do know that we're  
 17 so close that it's very possible that she was, but she's  
 18 not a registered voter, and she was paid to vote, but  
 19 she was turned away today so that you all will never get  
 20 to see her, I guess.

21 But this is a city election down there  
 22 that we've gotten involved with, and they have complete  
 23 control of that town, of the city and of the school.  
 24 There's two place to get a job in that town. That's the  
 25 city and the school. If you don't vote their way,



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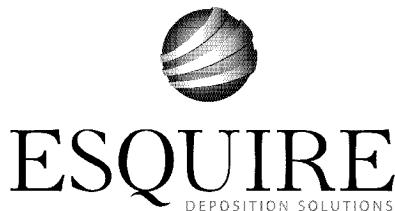
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1 you're fired. So these people have a problem down  
 2 there. I have been a ballot board judge. I have been  
 3 on the ballot board. I have seen the mail come in --  
 4 the mail-in ballots that do not even have a signature on  
 5 the back. We've had the signatures that do not match.  
 6 We tried to look at a letter and make sure that it is  
 7 something that is close to it. We have absentee ballots  
 8 that go to one address, and we know that there's large  
 9 families, but, believe me, these are large people. They  
 10 have no names that are even close to each other, but  
 11 they go to that same address. When you have an absentee  
 12 ballot, it is to go to wherever you're going to be out  
 13 of the county. You are not -- If you are in county, you  
 14 should be able to vote. It's supposed to go out.

15 Progresso is in Hidalgo County. It goes  
 16 to the same address. So these are things that we see  
 17 personally and we know. And I don't understand whenever  
 18 they swear that they are a registered voter, why is it  
 19 don't you make a law that it's a felony? Put them in  
 20 jail. They just swore. They have nothing that's going  
 21 to give them any time or anything that they -- what they  
 22 lie. Who cares? We need the -- When you are going to  
 23 go and you keep someone from voting, you need to make it  
 24 a felony to stop that.

25 I know right now people are here, and I



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1 want to talk fast. Be prepared. You have picture IDs,  
 2 you have student cards, you have driver's license, you  
 3 have CHL. By the way, I had to drive with my driver's  
 4 license and my CHL up here today in case I saw a DPS --  
 5 Yesterday. Sam -- Sam's credit card has your picture.  
 6 Credit cards, passport pictures, military cards,  
 7 agencies with the government, fishing and hunting  
 8 licenses, I believe you have to give them an ID. You  
 9 want to cash a check, you got to give them two IDs. You  
 10 got to give them money.

11                 The county put this in the paper and they  
 12 paid for it. This was so that they could get help with  
 13 their light bills for the low income, and the one thing  
 14 they need was proof of purchase -- I mean, proof of  
 15 income, but most of all, they need the picture ID, a  
 16 birth certificate or a passport or a Social Security  
 17 number. So you're telling me you can't have a little  
 18 picture card that lets someone vote that we know that  
 19 they are a registered voter?

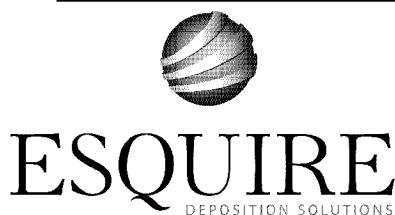
20                 CHAIRMAN SMITH: Members, any questions?

21                 REPRESENTATIVE BROWN: Yes, sir.

22                 CHAIRMAN SMITH: Representative Brown?

23                 REPRESENTATIVE BROWN: I'm just curious.

24                 You said that you knew someone who was -- that had come  
 25 up here to talk about her experiences and she was turned



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1 away?

2 MS. McCLAUGHERTY: Well, the -- the  
3 Attorney General said -- told us for -- not to speak  
4 today.

5 REPRESENTATIVE BROWN: Yeah, I understand.

6 MS. McCLAUGHERTY: And like I say, we were  
7 at your meeting yesterday until way late, and we  
8 didn't -- we found out that I think he spoke to you all  
9 last night about 1:30. I asked him why didn't he do  
10 that this morning -- about 1:30 this afternoon and we  
11 could have asked these people or tried to stop them or  
12 if we would have known yesterday earlier, we could have  
13 called these people and told them not to come. They  
14 took off from work to come up here to talk to you all.

15 REPRESENTATIVE BROWN: Was that the only  
16 person that --

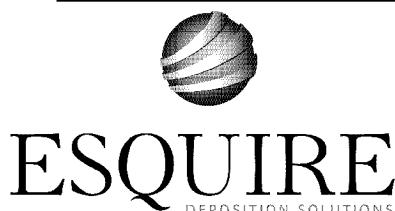
17 MS. McCLAUGHERTY: That was the one that I  
18 know of right now.

19 REPRESENTATIVE BROWN: Okay.

20 MS. McCLAUGHERTY: There was some other  
21 testimonies. They wanted to come and tell you the  
22 truth.

23 REPRESENTATIVE BROWN: Was that the only  
24 person that spoke to her about not -- not talking?

25 MS. McCLAUGHERTY: Yes.



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1 REPRESENTATIVE BROWN: Okay.

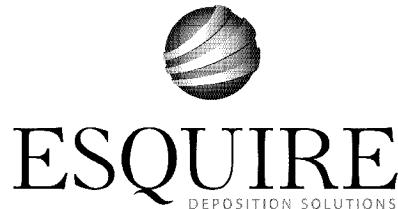
2 MS. McCLAUGHERTY: I mean, you know, he  
3 told her that he preferred that we not do that and then  
4 he told us outside. So like I say, they were -- they  
5 were turned away.

6 REPRESENTATIVE BROWN: Okay. And that's  
7 very unfortunate, and I'm still a little confused about  
8 what they could have said and could not have said, but,  
9 you know, we really don't want to jeopardize that case.

10 MS. McCLAUGHERTY: Right. Well, I  
11 understand and that's --

12 REPRESENTATIVE BROWN: Those people do  
13 need to be prosecuted if indeed that is what happened.

14 MS. McCLAUGHERTY: And that's what we told  
15 them. We said this -- You know, let's pass this up, but  
16 they wanted to come and tell you all the truth and have  
17 somebody listen. No one's listened to them. Most of  
18 them will just throw them off and go on. I'm too busy  
19 today. And I can't believe today how much this has  
20 become a Democratic and Republican thing. You all get  
21 into a fight yesterday. I thought you all were going to  
22 go to fist city. My God. Like I say, I was shocked.  
23 This should be for the people. This is for the people  
24 so they can vote, and a picture ID is not going to hurt  
25 anything.



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1 REPRESENTATIVE BROWN: Couldn't agree  
2 more. Thank you so much.

3 UNIDENTIFIED SPEAKER: Mr. Speaker?

4 CHAIRMAN SMITH: Yes.

5 UNIDENTIFIED SPEAKER: She's already gone.

6 CHAIRMAN SMITH: Yeah. Just, again, a  
7 reminder to the audience that we want to try to avoid --

8 MS. MCCLAGHERTY: I'm sorry. Someone has  
9 got a question for --

10 CHAIRMAN SMITH: Yes. Our Representative  
11 Heflin.

12 MS. MCCLAGHERTY: Okay. I'm used to --

13 REPRESENTATIVE HEFLIN: What is the  
14 population of Edinburg?

15 MS. MCCLAGHERTY: Don't ask me. They're  
16 getting bigger by the minute.

17 REPRESENTATIVE HEFLIN: And how far is --  
18 how far is Progresso from Edinburg?

19 MS. MCCLAGHERTY: We're about under --  
20 under 25 minutes -- 25 -- 20, 25 minutes, and if you  
21 speed a little bit, you can -- you can get there a  
22 little faster.

23 REPRESENTATIVE HEFLIN: Is it due north?

24 MS. MCCLAGHERTY: Pardon?

25 REPRESENTATIVE HEFLIN: Is it due north?

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1 MS. McCLAUGHERTY: It's south. It's south  
2 of Edinburg, coming into Edinburg and then you are going  
3 to go to Target on the expressway and you are going to  
4 go to Weslaco and go south of Weslaco and it's just  
5 close to the border. I mean, you cannot believe.

6 REPRESENTATIVE HEFLIN: Okay. Now, are  
7 you also election judge and clerk and do you do that as  
8 well?

9 MS. McCLAUGHERTY: No. I have been on the  
10 ballot board, and I have clerked in the past, and I've  
11 been a judge and I've been a poll watcher, but it was  
12 years ago.

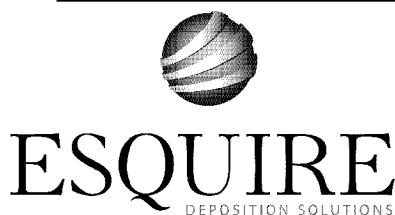
13 REPRESENTATIVE HEFLIN: Okay. And you  
14 think the big concern that you're having is mail-in  
15 ballots? That's a big problem?

16 MS. McCLAUGHERTY: That's a big one to me  
17 and then, like I say, just making sure that -- you know,  
18 that everyone that's voting is a registered voter.

19 REPRESENTATIVE HEFLIN: Now, you said that  
20 if -- if -- they should be out of county if they are  
21 going to use an absentee ballot.

22 MS. McCLAUGHERTY: That's the way.

23 REPRESENTATIVE HEFLIN: Do you believe we  
24 ought to go back to the you have to have a reason for a  
25 absentee ballot instead of a --



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1 MS. McCLAUGHERTY: Only thing I know is if  
2 you are requesting a ballot, the way I understood it  
3 that if you ask for an absentee, that it will be sent to  
4 you wherever you're at, but you are not to be in your  
5 county because if you are in your county, you should be  
6 able to go vote. Well, yes, I'm just talking about  
7 the -- I'm not talking about the age or anything.

8 REPRESENTATIVE HEFLIN: You are talking  
9 about the able-bodied?

10 MS. McCLAUGHERTY: I'm just talking about  
11 just, you know, not going to be here.

12 REPRESENTATIVE HEFLIN: Very good. Thank  
13 you.

14 CHAIRMAN SMITH: Any other questions,  
15 members? Frank?

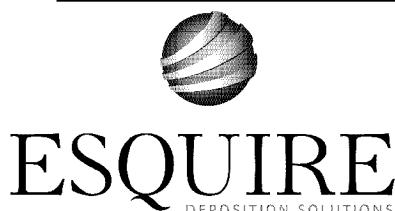
16 VICE-CHAIRMAN PENA: How are you doing?

17 MS. McCLAUGHERTY: Well, I'm hungry. I'm  
18 going to faint here in just a minute. I haven't had  
19 anything since early this morning.

20 CHAIRMAN SMITH: I'll help you in a little  
21 bit.

22 MS. McCLAUGHERTY: Okay.

23 VICE-CHAIRMAN PENA: I understand you  
24 support this -- this senate proposal. What else can we  
25 do? I mean, what else -- I realize that we have a



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1 problem with prosecutions, right?

2 MS. McCLAUGHERTY: Yes.

3 VICE-CHAIRMAN PENA: This stuff goes on.

4 MS. McCLAUGHERTY: Yes.

5 VICE-CHAIRMAN PENA: And have you all gone  
6 to the DA?

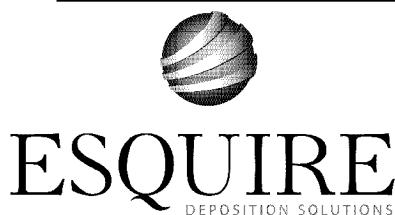
7 MS. McCLAUGHERTY: Yes. That's the reason  
8 why we are here is because we accidentally found a  
9 website that had stated that possibly we had tainted the  
10 people down through -- tainted the affidavits and things  
11 that they had signed by Chuy Hinojosa, and we have no --  
12 we had not even seen the affidavits. We had no idea, so  
13 that's why we're up here on this today, to make sure  
14 that you understand how important this is.

15 VICE-CHAIRMAN PENA: There are other  
16 avenues that you're pursuing, right? There are other  
17 bills in the senate or in the process --

18 MS. McCLAUGHERTY: Yes.

19 VICE-CHAIRMAN PENA: -- that you are  
20 supporting?

21 MS. McCLAUGHERTY: We're hoping that --  
22 that possibly any of the population that -- of the  
23 cities, of the -- of the counties, all over the state  
24 here that have 20,000 or less, that you will be able to  
25 have the county run the election, and maybe we can get



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1 some people in there that will watch what's going on.  
2 Maybe we can have a fair one.

3 VICE-CHAIRMAN PENA: I'm going to ask you  
4 a question. I want you to be real straight with me.  
5 Let's say we get this Voter ID thing. You and I know  
6 that sort of corruption that we're concerned about is  
7 not going to go away, right?

8 MS. McCLAUGHERTY: That's right, for a  
9 while.

10 VICE-CHAIRMAN PENA: Yeah.

11 MS. McCLAUGHERTY: But it's a one-step --  
12 one more step tightening down.

13 VICE-CHAIRMAN PENA: You say it's one  
14 step, but this is the way it's been in Hidalgo County  
15 for a long time, right?

16 MS. McCLAUGHERTY: Yes.

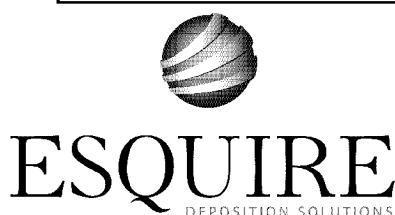
17 VICE-CHAIRMAN PENA: And it's true in most  
18 of the small towns?

19 MS. McCLAUGHERTY: Yeah.

20 VICE-CHAIRMAN PENA: And I'm talking about  
21 the stuff, about the elderly and the daycare centers  
22 and --

23 MS. McCLAUGHERTY: Well, the --

24 VICE-CHAIRMAN PENA: The political boss  
25 and that sort of thing, right?



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1 MS. McCLAUGHERTY: M-hm.

2 VICE-CHAIRMAN PENA: That's what you're  
3 talking about?

4 MS. McCLAUGHERTY: M-hm.

5 VICE-CHAIRMAN PENA: But the Voter ID  
6 thing, my observations what I see in south Texas, that's  
7 going to not make most of the stuff we're concerned  
8 about go away.

9 MS. McCLAUGHERTY: Well, it will some if  
10 you're looking at the picture and it's a nice looking  
11 woman or man and the woman you are looking at looks  
12 nothing like them and it's not even -- it's not them,  
13 then you are going to stop that person from illegally  
14 voting because it's not the person that card belongs to.

15 VICE-CHAIRMAN PENA: Most of the things we  
16 complain about those are these rounding up of senior  
17 citizens at adult care centers and people nudging them  
18 to vote for their candidate, right?

19 MS. McCLAUGHERTY: That's true, right.

20 VICE-CHAIRMAN PENA: And that's not going  
21 to stop them, right?

22 MS. McCLAUGHERTY: If there's more ways  
23 that we can get control and get the people when they've  
24 coming in educating them on the voting because right  
25 now, like you say, they bus them in. They give them --

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1 They tell them or they go in and you see shoes this  
2 direction and the voting thing is here. Back when we  
3 had the old shoe thing type, you knew very well that  
4 they were not voting. The person that went in there had  
5 pulled it, but there's no way you say anything. The  
6 shoes look in the other direction.

7 VICE-CHAIRMAN PENA: Okay. But I guess I  
8 want --

9 MS. MCCLAGHERTY: I mean, I'm trying to  
10 tell you what's happening down there.

11 VICE-CHAIRMAN PENA: And I'm right there  
12 with you, and you and I have these discussions back  
13 home, but -- but you have to concede that this solution  
14 that's proposed is not going to make what you and I  
15 complain about mostly go away.

16 MS. MCCLAGHERTY: It's one more step. I  
17 mean, the more that you -- The people, they want to  
18 vote, the ones that are elderly, and, by the way, at the  
19 end of the month, I'm going to be 60, and so 64 is not  
20 very old, at least not to me. 70 is looking pretty  
21 good. So I plan to be able to take my card -- And, by  
22 the way, I know where my voter registration cards are  
23 for my entire family, my two sons, my husband and my two  
24 daughter in-laws and myself. I have them. They're  
25 right where I know I can get to them, and I hand them



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1 out. It's very important that we know where they're at,  
 2 and I try to tell people those cards are very important  
 3 to take with you. So when you -- If we had something  
 4 there to get the people to go -- they're ready to vote.  
 5 These people are not wanting a reason not to vote.

6 So -- And, like I say, I don't care how  
 7 old you are, and when we were in Progresso the other  
 8 day, the last election -- let me quickly -- we had -- a  
 9 little old lady was in a walker, and she was walking  
 10 trying to get her way to go over there and vote. Now, I  
 11 don't know how she was voting, but it was blocked by a  
 12 big trailer on the side of the road, halfway in the road  
 13 and halfway on the sidewalk, but she was going to vote.  
 14 Nothing was going to stop her. So that's what we need.  
 15 We need -- And the people there, they want to be able to  
 16 vote.

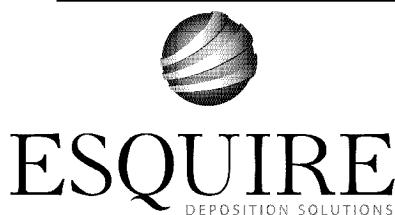
17 VICE-CHAIRMAN PENA: I thank you for  
 18 coming down here. I look forward to working with you --

19 MS. McCLAUGHERTY: Up here.

20 VICE-CHAIRMAN PENA: I look forward to  
 21 working with you on these on the problems that we've  
 22 talked about and finding solutions.

23 MS. McCLAUGHERTY: All right.

24 VICE-CHAIRMAN PENA: Okay? And I thank  
 25 the OWLS for all the work they do.



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1 MS. McCLAUGHERTY: Thank you all.

2 REPRESENTATIVE ANCHIA: Really quickly.

3 CHAIRMAN SMITH: Whoa, whoa, whoa. Wait  
4 just a minute, if you don't mind. Representative  
5 Anchia?

6 REPRESENTATIVE ANCHIA: I'm sorry. Just  
7 really quickly. How do you pronounce the county name  
8 again?

9 MS. McCLAUGHERTY: Hidalgo.

10 REPRESENTATIVE ANCHIA: Say it one more  
11 time?

12 MS. McCLAUGHERTY: H-I-D-A-L-G-O.

13 REPRESENTATIVE ANCHIA: How do you  
14 pronounce it?

15 MS. McCLAUGHERTY: Hidalgo.

16 REPRESENTATIVE ANCHIA: Hidalgo. How do  
17 you pronounce it?

18 UNIDENTIFIED SPEAKER: Hidalgo, if you  
19 want to say it --

20 REPRESENTATIVE ANCHIA: Okay. I was  
21 just --

22 MS. McCLAUGHERTY: See how he -- how he  
23 pronounces my name.

24 REPRESENTATIVE ANCHIA: I was confused.  
25 There's like a treaty named after that, right, at some



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1 point? Just checking.

2 MS. McCLAUGHERTY: But I'm from west  
3 Texas, so I have a little bit of an accent, so --

4 REPRESENTATIVE ANCHIA: Yeah. Now, I was  
5 going to ask Representative Heflin how he pronounced it  
6 just to get a little close (inaudible) going.

7 MS. McCLAUGHERTY: Yeah.

8 REPRESENTATIVE HEFLIN: Hidalgo.

9 REPRESENTATIVE ANCHIA: All right. Thank  
10 you.

11 MS. McCLAUGHERTY: See if he can pronounce  
12 my name, and then we'll -- we'll talk about the county.

13 REPRESENTATIVE ANCHIA: Yeah, I know. One  
14 step at a time as you said. Thank you.

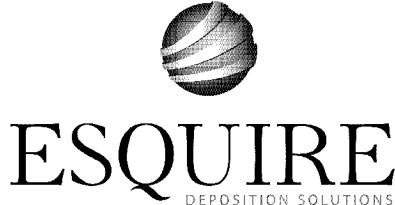
15 CHAIRMAN SMITH: At this time the chair  
16 calls Fidel Acevedo. How did I do? President of LULAC  
17 Council No. 4860 here to testify against Senate Bill  
18 362. Please state your name and who you represent.  
19 Thank you -- Thank you to all of you for sticking with  
20 us.

21 MR. ACEVEDO: My name is Fidel Acevedo.

22 CHAIRMAN SMITH: Who do you represent?

23 MR. ACEVEDO: I represent Council 4860.  
24 I'm the president for that particular council.

25 CHAIRMAN SMITH: Tell us what you want us



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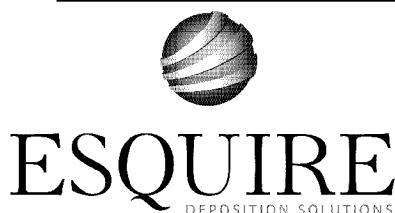
1 to know. Thank you.

2 MR. ACEVEDO: Well, first of all, I want  
3 to let you know that I'm against this particular bill.

4 CHAIRMAN SMITH: Okay.

5 MR. ACEVEDO: Second of all is I've been  
6 an election judge here in Travis County for at least  
7 10 years. It doesn't surprise me that we're trying to  
8 suppress voter turnout. It doesn't surprise me. Here  
9 in Travis county we do have a heck of a turnout. But at  
10 the same time as an election judge, at any facet of the  
11 election process, the photo ID to me wouldn't and shall  
12 not be the thing that will make it -- make it possible  
13 for you to be able to vote. You have voter registration  
14 cards, and as a judge, you should be able to oversee  
15 that election and be able to see that the election is  
16 run properly and fairly.

17 With -- With that in mind, I also serve on  
18 the advisory board here in Travis County with elections.  
19 So all these things that we hear about voter fraud and  
20 different types of fraud, I tell you what, it seemed  
21 like to me like a lot of paranoia from a lot of folks  
22 that are not really willing to teach the process. I  
23 believe in teaching the process. I believe in the  
24 process. But for this type of bill to go forward and  
25 become law, where is the bucks coming from so we can



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1 continue to teach and be able to relate to the voters  
2 what it's all about?

3 We're having trouble right now keeping up  
4 with what is out there right now as the law has changed  
5 since HAVA came into play. So, folks, let me tell you,  
6 they say if it ain't broke, don't fix it. Well, if you  
7 think it's broke and you're trying to fix it, the best  
8 you can do is throw a lot of bucks into it so that we  
9 can have the money to train folks on the process and not  
10 just put another law into play that is just going to  
11 totally continue to confuse our voters.

12 We need voter turnout. It doesn't matter  
13 to me as a judge whether you're Republican, Democrat or  
14 otherwise, but we do need -- we do need folks to  
15 understand the process first and that avoids a heck of a  
16 lot of confusion. Thank you very much.

17 CHAIRMAN SMITH: Thank you too. Members,  
18 any questions? Representative Pena?

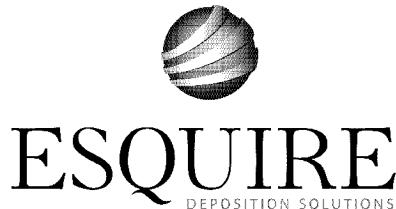
19 VICE-CHAIRMAN PENA: Fidel, how are you  
20 doing?

21 MR. ACEVEDO: Fine, sir.

22 VICE-CHAIRMAN PENA: I know that you live  
23 in the City of Austin, right?

24 MR. ACEVEDO: Yes, sir.

25 VICE-CHAIRMAN PENA: And I know that



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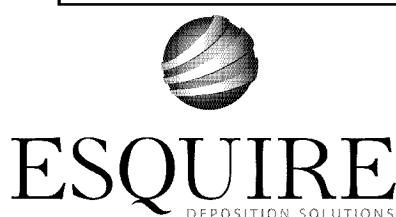
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1 you've been working in the -- in the grassroots level  
 2 with mainly in Hispanic populations across the State of  
 3 Texas; is that right?

4 MR. ACEVEDO: That's true.

5 VICE-CHAIRMAN PENA: And based on your  
 6 experience, you've heard some of the testimony earlier  
 7 that in some states turnout actually went up. At least  
 8 that's the allegation, but in your experience in dealing  
 9 with the communities that you've worked with for many,  
 10 many years, do you see this as having -- having an  
 11 effect where voter turnout goes down or goes up?

12 MR. ACEVEDO: Well, I'm going to -- I'm  
 13 going to reflect on what Todd's -- the representative --  
 14 the chairman reflected to with the study, and he was so  
 15 clear about the way this one study was referenced to the  
 16 other, and the gap is so narrow. Well, I don't know  
 17 where he gets all that information, but I can tell you,  
 18 Chairman, that -- that you can take any study and you  
 19 can make any kind of percentage look narrow or big,  
 20 depending on the numbers. I can tell you for a fact  
 21 that in the areas where I have been throughout the State  
 22 of Texas, trying to teach this process and trying to  
 23 keep up with the process, whether it was from  
 24 Brownsville to El Paso, it's -- it just floors you to  
 25 know that we could have better turnout if we could only



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1 reach those folks that we're trying to reach and trying  
2 to make big difference.

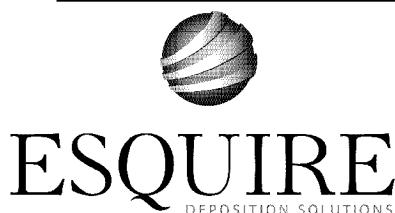
3 I would suspect since we don't have any  
4 data, that this would only hurt the minority  
5 communities.

6 CHAIRMAN SMITH: Tell me this. Is that  
7 the goal is to expand voter participation in your  
8 district?

9 MR. ACEVEDO: Exactly.

10 CHAIRMAN SMITH: Do we register more  
11 voters? Do we -- Some of these studies seem to indicate  
12 that we could register every voter in Texas, every human  
13 being in Texas, and the turnout would not materially  
14 change because you can't make them interested in  
15 government or politics. What -- What do you think would  
16 be the best means of expanding voter participation?

17 MR. ACEVEDO: Well, first of all, it's an  
18 education process, sir, and when we go to any school,  
19 high school, and try to bring voter registration -- as  
20 LULAC to try to participate and bring voter registration  
21 to any high school, unless you have specific directions  
22 from that principal or in Spanish, you are not going to  
23 get anywhere. They don't teach this process in high  
24 school. You learn by hook or crook one way or another  
25 that this is what your civic duty is.



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1                   So, yes, I agree with you. You can arrest  
2 them all a hundred percent. You can ID them with their  
3 thumbprint and let them come in there. The technology  
4 data is there, but the idea of registering more voters,  
5 that's something that we're very heavy on trying to  
6 register as many voters as we can during voter  
7 registration. I do lead that effort here in the  
8 community. However, again, it's the beginning of the  
9 process and nothing's going to say that we're going to  
10 get a hundred percent participation.

11                  CHAIRMAN SMITH: No. Do you think  
12 registering more voters will materially increase voter  
13 participation?

14                  MR. ACEVEDO: I do believe so. If we have  
15 a follow-up, yes, sir.

16                  CHAIRMAN SMITH: Okay. Any other  
17 questions members?

18                  MR. ACEVEDO: Thank you, sir.

19                  CHAIRMAN SMITH: Thank you for coming.  
20 Appreciate it. At this time the chair calls Eleazar  
21 Perez, Junior. Are you still with us? He's not  
22 testifying, but wishes to be shown in favor of Senate  
23 Bill 362. The chair calls Maria Leach speaking on  
24 behalf of the OWLS. This may be our last OWL --

25                  MS. LEACH: Tired.



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1 CHAIRMAN SMITH: -- in favor of Senate  
2 Bill 362. Please state your name and who you represent.

3 MS. LEACH: Yes. I'm Mrs. Maria Leach.  
4 I'm from Edinburg, Texas from the same town of our  
5 representative, and we thank you for the opportunity.

6 CHAIRMAN SMITH: Who are you speaking on  
7 behalf of today?

8 MS. LEACH: I'm speaking on behalf of  
9 Senate Bill 362.

10 CHAIRMAN SMITH: Are you speaking on  
11 behalf of OWLS?

12 MS. LEACH: Yes.

13 CHAIRMAN SMITH: Okay.

14 MS. LEACH: And I am for it. We are for  
15 it.

16 CHAIRMAN SMITH: All right.

17 MS. LEACH: And you asked if we got paid  
18 for this? Yes, we do in thank yous, in appreciation.  
19 These people they are just, you know, thank you, thank  
20 you, thank you, because -- and I just tell them, you  
21 know, we're there to support you. I'm talking about  
22 Progresso people, and this is what makes our wanting to,  
23 you know, be there for them support them in their  
24 efforts and to get better government to do away with the  
25 corruption that they've seen and experienced. And they



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1       had a young lady that was going to testify here before  
 2       you that she was paid, like Mrs. McClaugherty said, for  
 3       voting for the mayor -- that's present mayor, and so,  
 4       you know, there are problems.

5                 And this is how we got involved with the  
 6       town of Progresso because these people didn't know who  
 7       to turn to. They were frustrated and we came to their  
 8       aid. We encouraged them to stand up for their rights  
 9       and to do the right thing, and -- and, you know, just  
 10      getting a thank you, that means a lot to us because we  
 11      feel like, well, maybe we are contributing a little bit  
 12      of help to these people. And this is why we want this  
 13      photo card because we think they have the problem that  
 14      they get names and just present these cards with  
 15      different names, and they can vote. You know, nobody's  
 16      going to question them, and I think that if we are going  
 17      to have elections that they should be honest, fair  
 18      elections for everybody and that's, you know, my  
 19      standing and the OWLS stand.

20                 CHAIRMAN SMITH: We've heard your friends.  
 21       Are there -- Are you aware of any allegations from  
 22       conversations you've had with any other people? I don't  
 23       suppose you personally witnessed it.

24                 MS. LEACH: No, we did not.

25                 CHAIRMAN SMITH: Where there is an



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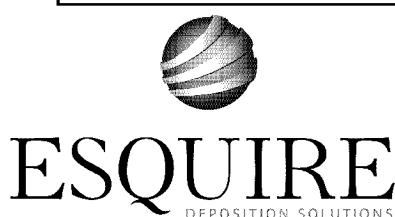
1 allegation that someone went to the polls claiming to be  
2 somebody other than who they are.

3 MS. LEACH: No. We've just been told, and  
4 we believe these people that have told us because I  
5 don't think that, you know, they would be making up  
6 something that's not so. I mean, they're honest people.  
7 They're hard working people. Some of them miss jobs to  
8 come over here and, you know, try to -- to bring the  
9 case before you, and, of course, the state Attorney  
10 General has their case and they're saying -- but, you  
11 know, the thing is that they don't want us to testify  
12 about, you know, certain things, but the newspaper.

13 The Monitor there in McAllen, they've had  
14 front pages -- they've had front page stories about  
15 Progresso, what's going on, because they have had  
16 reporters. When we've been there, they've come to us,  
17 and they wanted to know what was going on, and, you  
18 know, so they are familiar with that too. So that's the  
19 kind of evidence that we have that, you know -- And we  
20 believe these people. I mean, I don't think that they  
21 have any reason to tell us otherwise.

22 CHAIRMAN SMITH: Any other questions  
23 members? Vice-chairman Pena?

24 VICE-CHAIRMAN PENA: We also hear  
25 complaints about another community. That's delta



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1 community, right?

2 MS. LEACH: Sure. That's correct.

3 VICE-CHAIRMAN PENA: We have --

4 MS. LEACH: Delta and --

5 VICE-CHAIRMAN PENA: We have complaints  
6 about LaJoya and Sullivan City.

7 MS. LEACH: Exactly. Yes.

8 VICE-CHAIRMAN PENA: And some of the other  
9 small communities around.

10 MS. LEACH: Right. Right.

11 VICE-CHAIRMAN PENA: Every time we have an  
12 election, there's allegations of corruption, right?

13 MS. LEACH: Right. M-hm. Yes. And I  
14 think that, like I said, the thing is that these people  
15 come to us because they know that they can trust us,  
16 that they can tell us, you know, whatever is bothering  
17 them or whatever they have seen, and, you know, I don't  
18 think that they have any reason to tell us otherwise. I  
19 don't think that they are fabricating these stories. I  
20 mean, we believe them because they are honest, hard  
21 working people, and all they want is for some -- you  
22 know, to have clean elections so that they can have --  
23 you know, that their votes will count for the people  
24 that they're voting for.

25 VICE-CHAIRMAN PENA: Let me just end by



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1 saying thank you for coming and thank you for assisting  
2 people, and we're going to do our very best to find a  
3 solution to this.

4 MS. LEACH: We hope you do, and we thank  
5 you for the opportunity also that -- You know, like I  
6 said, we just want the right thing for these -- for all  
7 of us -- for all of us because I think that we as  
8 taxpayers and as voters, you know, that's a very -- a  
9 right that we have, and we -- you know, we want to be  
10 sure that when we vote for the person that we think  
11 would do the best job for us would be an honest vote,  
12 and nobody will, you know, be getting that vote and  
13 putting it in the trash or whatever. Thank you so much.

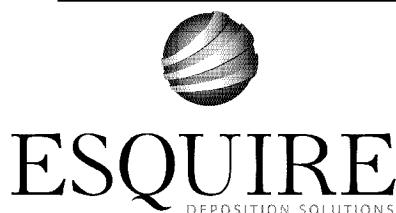
14 CHAIRMAN SMITH: Just a minute. If you  
15 don't mind. Representative Brown?

16 REPRESENTATIVE BROWN: And our chairman  
17 has given information to read these and before I do, my  
18 staff person has checked with the Attorney General. The  
19 gentleman that was here from the Attorney General's  
20 office, and we have clearance to read these because they  
21 are in the public record and these are the affidavits --

22 MS. LEACH: The affidavits.

23 REPRESENTATIVE BROWN: -- by these people  
24 that have already left us?

25 MS. LEACH: Right.



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1                   REPRESENTATIVE BROWN: But I'm just going  
 2 to read right quick -- there's just three or four of  
 3 them here -- that I think it might help people to  
 4 understand a little bit about what they're facing and  
 5 why they did go to such lengths.

6                   MS. LEACH: I can get my copy. I have a  
 7 copy.

8                   REPRESENTATIVE BROWN: All right. We have  
 9 them. I have them right here. Thank you. And her name  
 10 is Maricela Infante (phonetic), date of birth 10/4/62,  
 11 resides in Progresso, Texas, and of sound mind and over  
 12 the age of 18 and state the following: I was appointed  
 13 as a poll watcher for the Progresso ISD School Board  
 14 election by the candidate, Eleazar Perez, Junior. On  
 15 April 28th, '08 on or about 8:30 a.m., Mrs. Maria Isabel  
 16 Vela was allowed to enter and vote without providing an  
 17 ID or a voter registration card. On April 28th, '08, on  
 18 or about 10 a.m., Mr. Guadalupe Vela was allowed to  
 19 enter and vote without providing an ID or a voter  
 20 registration card. On April 28th on or about 2 p.m., a  
 21 voter by the name of Jimmy Vasquez walked in to vote but  
 22 with a voter registration card with the name of Juan  
 23 Pablo Maldonado. Priscilla, the clerk, told him he was  
 24 not Juan Pablo Maldonado. When the voter was asked for  
 25 an ID, he turned around and walked out. Mr. -- I don't



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1 know what the first name is -- but Rocha was the last  
 2 name, the presiding judge, told Priscilla, the clerk, to  
 3 confiscate the voter's registration card. The election  
 4 clerk kept the voter's registration card. Various  
 5 people were allowed to vote with an expired voter  
 6 registration card and were asked not to and were not  
 7 asked to provide an ID. As a poll watcher, I continued  
 8 to observe the election judge and other election staff  
 9 stand close by the voting machines while the voters  
 10 voted. They were being intimidated to vote their way.  
 11 And she has signed it here and there's the date.

12                 The next one was Abigail Infante, a date  
 13 of birth, January 3rd, '86, residing in Progresso,  
 14 Texas, and of sound mind and over the age of 18 to state  
 15 the following: I was appointed as a poll watcher for  
 16 the Progresso ISD School Board election by a candidate,  
 17 Eleazar Perez, Junior, held on May 10th, 2008. On  
 18 April 28th, '08, around 8:30, Maria Isabel Vela came in  
 19 to vote without showing an ID or voter registration card  
 20 and then there's the next -- the next time around 10,  
 21 Guadalupe Vela voted -- voted without showing an ID and  
 22 so on, and then April 28th around 2 p.m., a voter by the  
 23 name of Jimmy Vasquez went in to vote and when he showed  
 24 his voter registration card, Priscilla told him you're  
 25 not Juan Pablo Maldonado, you're Jimmy Vasquez, and then



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1       Jimmy answered "Yes, I am." Then Jerry Jasso (phonetic)  
 2       Junior asked him for an ID and Jimmy walked out. Then  
 3       Judge Rocha told the clerks to confiscate the voter  
 4       registration card, and so on, and that's -- that's  
 5       the -- very, very similar to the first one.

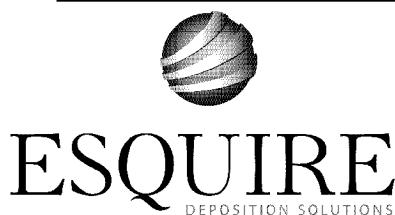
6                   And then this one is from a Simon Torres,  
 7       it looks like, from Progresso, and also over the age of  
 8       18. I participated in the Progresso School -- ISD  
 9       School Board election held on May 10th, 2008. I state  
 10      that on Monday, April 28th, '08, I was brought to the  
 11      Progresso ISD School election site by Lorenzo Castillo  
 12      who handed me a voter's registration card to participate  
 13      in the elections. He stated they would pay for me to go  
 14      vote and vote for Juan Ramos (phonetic), Michael Vela  
 15      and David Hernandez. I proceeded to go in and cast a  
 16      vote with the registration card that belonged to Alfredo  
 17      Maldonado. After I went in to vote, I was paid \$10 by  
 18      Jose Guadalupe Vela, and at this time Mr. Lorenzo  
 19      Castillo took the card from my possession. And the next  
 20      is in Spanish, and I think that's about it.

21                  MS. LEACH: Right.

22                  REPRESENTATIVE BROWN: But that gives us  
 23      an idea of what she's testifying to.

24                  MS. LEACH: Right. Yes.

25                  REPRESENTATIVE BROWN: And these are all



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1 notarized --

2 MS. LEACH: Right. Yes.

3 REPRESENTATIVE BROWN: -- affidavits.

4 MS. LEACH: And these people, all they  
5 want is a chance because they've said that if they can  
6 just like put their own candidates on the ballot and if  
7 they lose, they want it to be fair, not -- not, you  
8 know, by trick or, you know, like these people are doing  
9 it right now and that's all. They just want a fair  
10 chance, and we thank you for the opportunity too.

11 REPRESENTATIVE BROWN: Thank you. We  
12 appreciate what you're doing very much.

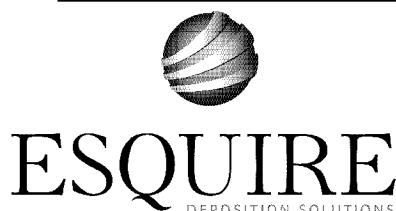
13 MS. LEACH: Thank you.

14 CHAIRMAN SMITH: Representative Pena?

15 VICE-CHAIRMAN PENA: Yeah. This is not so  
16 much a question for you, Maria. I just want to make a  
17 statement into the record.

18 MS. LEACH: Okay.

19 VICE-CHAIRMAN PENA: Mr. Chairman, I'm  
20 going to object because when the representative from the  
21 AG's office was present, he asked us not to go into this  
22 matter, and I out of respect for his request did not  
23 seek to examine the witnesses who were present, and now  
24 we've had affidavits read into the record without the  
25 ability of examination. And so I object on a



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1 fundamental fairness basis. I just want to make that  
2 statement.

3 MS. LEACH: Okay. Thank you.

4 VICE-CHAIRMAN PENA: Because I would have  
5 examined these. Look, let me ask you a question.

6 MS. LEACH: M-hm.

7 VICE-CHAIRMAN PENA: There's always  
8 allegations of corruption, and certainly in the valley,  
9 any time any side loses, there's allegations of  
10 corruption. It's usually after examination that we find  
11 out whether or not it's real or not, right?

12 MS. LEACH: M-hm.

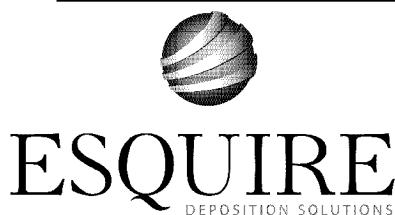
13 VICE-CHAIRMAN PENA: And so what I've said  
14 here which is that when we read these affidavits, I have  
15 no way of determining whether or not they're true or not  
16 because the witnesses aren't here anymore, and it's  
17 really not a statement to you. It's just a --

18 MS. LEACH: I understand what you are  
19 saying.

20 VICE-CHAIRMAN PENA: It's something I  
21 wanted to say into the record.

22 MS. LEACH: Okay. Thank you very much.  
23 Well, have a good night.

24 CHAIRMAN SMITH: I have questions. Thank  
25 you, and -- and -- and were you here when the Attorney



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1 General was here?

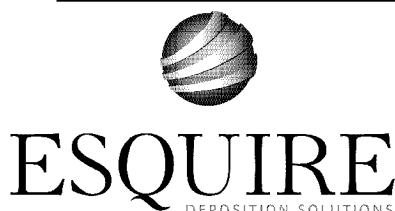
2 MS. LEACH: Yes.

3 CHAIRMAN SMITH: So I just want to  
4 reiterate what he said.

5 MS. LEACH: M-hm.

6 CHAIRMAN SMITH: I can't prevent you from  
7 answering any questions, nor would I try. I can't  
8 prevent Representative Anchia from asking any questions,  
9 nor would I try, but it is -- it is my intent to ensure  
10 that as much information is available as possible  
11 without compromising any criminal investigation that may  
12 be presently underway. And the Attorney General's  
13 office is the one who has -- who has instructed the  
14 committee with regard to what is acceptable and what is  
15 not acceptable.

16 He has indicated in the hearing today,  
17 that to the extent that you answer questions about the  
18 details of any ongoing investigation, that because your  
19 testimony is not something that is already a matter of  
20 public record, unlike these documents which are, that it  
21 has the potential -- and I'll let him determine later  
22 where that line is drawn, but it has the potential to  
23 preclude law enforcement officers in the State of Texas  
24 from being able to prosecute certain of these  
25 allegations and get to the point where we can be certain



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1 of whether or not they are or are not true. Everybody  
2 will agree that these affidavits are nothing more than a  
3 particular individual's statement in writing. That's  
4 all it is.

5 MS. LEACH: Right.

6 CHAIRMAN SMITH: It could be true, it  
7 could be false, just like a lot of stuff that we've  
8 heard over the last 48 hours during this -- during this  
9 hearing. It is and can be taken for whatever it's  
10 worth, nothing more and nothing less.

11 And so with that instruction, you  
12 understand that you are free to answer these questions.  
13 You are free not to answer these questions depending  
14 upon what the question is and whether you feel like it  
15 has the potential to undermine any prosecution in the  
16 State of Texas. Representative Anchia?

17 REPRESENTATIVE ANCHIA: My question is for  
18 Representative Brown. What was the purpose of reading  
19 those into the record after the admonition that we had  
20 received from the Attorney General both last night and  
21 today?

22 REPRESENTATIVE BROWN: Well, to begin  
23 with, these were statements that as I understand it that  
24 have been made in the senate prior, and they are a  
25 matter of public record. That's what we were told by



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1 the AG's office. Since they are a matter of public  
2 record at this point that we were free to share them.

3 REPRESENTATIVE ANCHIA: Who did you speak  
4 to at the AG's office?

5 REPRESENTATIVE BROWN: My chief of staff  
6 can answer that.

7 REPRESENTATIVE ANCHIA: So did you speak  
8 to someone at the AG's office?

9 REPRESENTATIVE BROWN: Not personally.

10 REPRESENTATIVE ANCHIA: And so you -- you  
11 did not get the direct okay from the -- from the AG's  
12 office to read those into the record?

13 REPRESENTATIVE BROWN: I did not speak to  
14 him personally.

15 REPRESENTATIVE ANCHIA: Okay. Did you  
16 speak to anyone from his office?

17 REPRESENTATIVE BROWN: No. My chief of  
18 staff did.

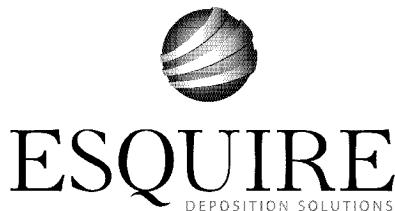
19 REPRESENTATIVE ANCHIA: Were you here  
20 during the admonition by the AG related --

21 REPRESENTATIVE BROWN: I was.

22 REPRESENTATIVE ANCHIA: And you were  
23 present last night during the admonition?

24 REPRESENTATIVE BROWN: I was.

25 REPRESENTATIVE ANCHIA: What was the



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1 purpose of you -- What was your intent in reading those  
2 into the record?

3 REPRESENTATIVE BROWN: I guess my -- my --  
4 I had no intent other than to satisfy the feeling that  
5 these ladies had that we had been denied the testimony  
6 by these people who have already left.

7 REPRESENTATIVE ANCHIA: But they  
8 understood it could jeopardize the investigation,  
9 correct?

10 REPRESENTATIVE BROWN: No I would not have  
11 I would not have read that if I had thought that it had  
12 any bearing.

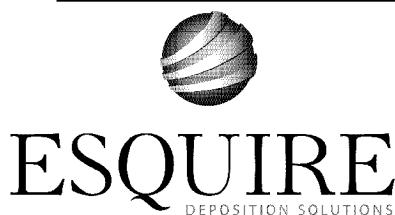
13 REPRESENTATIVE ANCHIA: Now, but they  
14 understood that their testimony could jeopardize --

15 REPRESENTATIVE BROWN: Mr. Anchia, I am  
16 not on trial here.

17 REPRESENTATIVE ANCHIA: No, no. I'm  
18 asking you questions. I think you've done something a  
19 little bit reckless.

20 REPRESENTATIVE BROWN: I answered you, and  
21 I have been named by the AG --

22 REPRESENTATIVE ANCHIA: So -- I'm just as  
23 concerned about the investigation as you are, so I just  
24 want to make sure that I understand what your intent  
25 was, and I -- I'm trying to be respectful --



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1 REPRESENTATIVE BROWN: I had no ulterior  
2 motive.

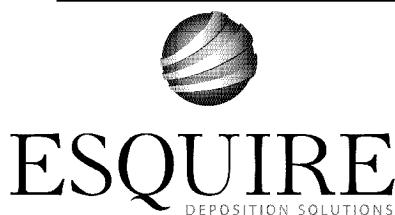
3 REPRESENTATIVE ANCHIA: -- and to get at  
4 it.

5 REPRESENTATIVE BROWN: I -- I was simply  
6 sharing information.

7 CHAIRMAN SMITH: And, you know, Rafael, if  
8 you'd like to ask the witness a question, then please  
9 proceed. I'm going to place some restraints on your  
10 ability to cross-examination the colleague in the Texas  
11 House of Representatives.

12 REPRESENTATIVE ANCHIA: Well, it was my  
13 understanding, Mr. Chairman, that -- that this committee  
14 was going to refrain and many of us spoke about that.  
15 We had -- We had the opportunity to cross-examination  
16 some of the people when we were here. We were asked not  
17 to not raise this issue. We were admonished on a  
18 regular basis, so it caught me a little bit by surprise,  
19 frankly, that we would go in this direction because I --  
20 I -- I spoke to the Attorney General's office, and there  
21 was a very clear direction, and -- and I -- I think  
22 it's -- it's a problem that we -- that we have done  
23 this. So I'd like to make that -- that clear.

24 I mean, it's also clear that the  
25 delegation that was here got to speak to the Attorney



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1 General, so, I mean, they're speaking to officials from  
2 the state about their problem. It's not like they  
3 haven't been able to speak to anybody. They've also  
4 spoken to the Secretary of State's office on this issue,  
5 okay? So it's not like they haven't been given an  
6 avenue to air their grievances. Now, the fact that they  
7 didn't come -- that they were unable to testify here was  
8 not our decision. It was the AG's decision.

9 CHAIRMAN SMITH: I think it was their  
10 decision in reliance upon advice and recommendations by  
11 the Attorney General that they volitionally prevented  
12 them from testifying.

13 REPRESENTATIVE ANCHIA: They volitionally  
14 left, right, and did not testify.

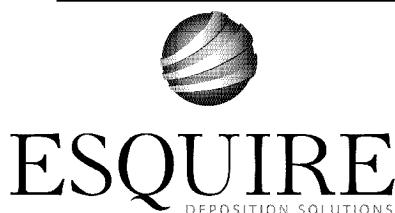
15 CHAIRMAN SMITH: That's right.

16 REPRESENTATIVE ANCHIA: So let me ask the  
17 witness. Do you have any personal knowledge of the  
18 events related or that were included in the -- in the  
19 affidavits that were read into the record by  
20 Representative Brown?

21 MS. LEACH: No, not personally. No. Just  
22 from what we've been told by the --

23 REPRESENTATIVE ANCHIA: Do you know -- I'm  
24 sorry. I apologize. I didn't mean to cut you off.

25 MS. LEACH: No. I just said not



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1 personally. These people, we don't know them.

2 REPRESENTATIVE ANCHIA: Do you know any of  
3 the people who did --

4 MS. LEACH: We know the people that came  
5 here because we met them, like I said. They -- they --  
6 We would meet with them when they first, you know,  
7 didn't know who to turn for advice, for a little support  
8 and so forth. But other than that, they had told us  
9 that they had submitted these affidavits because they  
10 wanted, you know, the State's Attorney General to -- to  
11 investigate, and we know that they have been, so --

12 REPRESENTATIVE ANCHIA: And you know that  
13 it's under current investigation, correct?

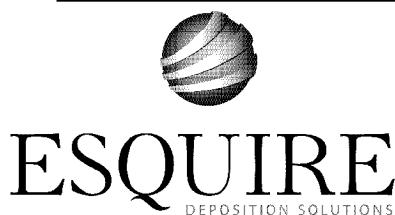
14 MS. LEACH: Yes, yes. Sure do. Yes.

15 REPRESENTATIVE ANCHIA: Since last  
16 September, correct?

17 MS. LEACH: Right when -- Yeah, because  
18 we've been involved with them for over a year now.

19 REPRESENTATIVE ANCHIA: And you've been  
20 working with the Attorney General's office as well?

21 MS. LEACH: No. We just told them to --  
22 you know, to contact the State Attorney General's  
23 office, the DA's office, and we just kind of gave them  
24 the advice or, you know, to -- to -- who to contact and  
25 see if they could get -- help give their support to look



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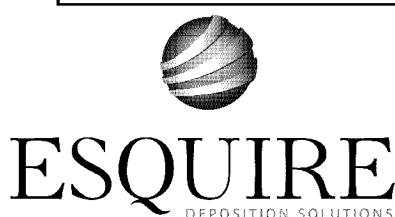
1 into this matter, and, like I said, we went for a  
2 meeting there one time and, of course, the media was  
3 interested in stories like that. So when we were there,  
4 they had -- they had, like I said, The Monitors covered  
5 it like they had maybe like three, four articles in  
6 their paper ever. And so, you know, they -- they were  
7 there at the meetings and, you know, knew what was going  
8 on and so forth, and they reported. We did not. They  
9 didn't have interviews with us. You know, we know some  
10 of the reporters and all that, but they went and covered  
11 the stories. They were interested because, you know, it  
12 made good news.

13 REPRESENTATIVE ANCHIA: Yes, it certainly  
14 makes good news and sensational news. Do you know Mary  
15 Lou Moreno? Do you know who she is?

16 MS. LEACH: I know Mary Lou Ybarra, not  
17 Moreno. I don't know Moreno.

18 REPRESENTATIVE ANCHIA: Does she also go  
19 by Mary Lou Ybarra and Mary Lou Moreno?

20 MS. LEACH: She might. Yeah. She might,  
21 but, I mean, we know her as Mary Lou Ybarra. I don't  
22 know whether that's her -- You know, I don't even know  
23 that she's married or not. I know that she stays with  
24 her mom who's been seriously ill, but we know her as  
25 Mary Lou Ybarra. It might be because they use both



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1 names, you know, husband and --

2 REPRESENTATIVE ANCHIA: Was she one of the  
3 people who was going to testify today?

4 MS. LEACH: Yes. M-hm.

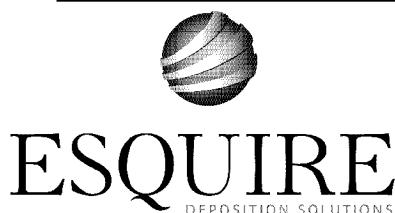
5 REPRESENTATIVE ANCHIA: And I would have  
6 liked to have cross-examined her if she was going to  
7 testify today because we've been given some information  
8 about her -- her reliability potentially as a witness.  
9 Are you aware of any problems with her background?

10 MS. LEACH: Not that I know of, no. I  
11 know that she's works -- she works at a daycare center,  
12 and, you know, like I said, we just -- we became friends  
13 because we were there, and she calls me from time to  
14 time, and, like I said, they were very appreciative,  
15 just tell us thank you, thank you, and I said, well, you  
16 know -- I mean, we were glad to be there and, you know,  
17 just extend a helping hand. That's all we do.

18 CHAIRMAN SMITH: Any other questions,  
19 members, of this witness? Representative Heflin?

20 REPRESENTATIVE HEFLIN: Ms. Leach, as to  
21 the documents that were just read into the record, were  
22 you there personally when any of these events took  
23 place?

24 MS. LEACH: Not -- I was not. None of us  
25 were.



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1 MR. HEFLIN: None of you were there?

2 MS. LEACH: No, no.

3 REPRESENTATIVE HEFLIN: So you have no  
4 knowledge about any of the facts or circumstances --  
5 personal knowledge about these events?

6 MS. LEACH: No. We were just -- they --

7 REPRESENTATIVE HEFLIN: You were told.

8 MS. LEACH: Yes. The people that are  
9 involved, Mary Lou and the other people that were here  
10 today, they would tell us, you know, this is going on,  
11 and basically some of these things that -- that are on  
12 the affidavit, but, no, we're -- we're, you know --

13 MR. HEFLIN: Okay.

14 MS. LEACH: =We did not participate  
15 in that.

16 CHAIRMAN SMITH: Representative Heflin,  
17 please?

18 REPRESENTATIVE HEFLIN: Mr. Chairman, I  
19 just have one quick question, and I'm trying to be as  
20 delicate about this as I can. But I guess my curiosity  
21 was if the same attorney that gave us the advice today  
22 is the one that okayed this tonight.

23 CHAIRMAN SMITH: Yes.

24 REPRESENTATIVE HEFLIN: It was the same  
25 attorney?



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1 CHAIRMAN SMITH: Yes.

2 REPRESENTATIVE HEFLIN: So at this point I  
3 guess I would have to ask any of the OWLS -- I know  
4 they're not up here for questioning -- if they know the  
5 persons involved in this and have personal knowledge of  
6 any of these events, if you would -- can we bring them  
7 back up?

8 MS. LEACH: I can answer. You know -- You  
9 know, it's the same answer, but, you know, you can ask  
10 them.

11 REPRESENTATIVE HEFLIN: You may come back  
12 up if you wish to.

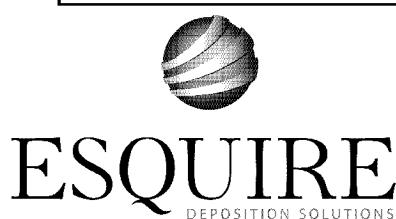
13 CHAIRMAN SMITH: And as you come up, would  
14 you please identify yourself for the record? One at a  
15 time, please.

16 MS. McCLAUGHERTY: Vern McClaugherty.

17 REPRESENTATIVE HEFLIN: Ms. McClaugherty,  
18 as to the petitions that you heard read a few moments  
19 ago, do you have any personal knowledge of any of the  
20 events that are happening surrounding these documents?

21 MS. McCLAUGHERTY: No.

22 REPRESENTATIVE HEFLIN: Okay. All right.  
23 Now, you understand that two of these documents are not  
24 sworn documents. They're just signed. The other two --  
25 Actually, the other three actually are sworn documents



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1 before a notary.

2 MS. McCLAUGHERTY: I've never seen --

3 REPRESENTATIVE HEFLIN: You've never seen  
4 them?

5 MS. McCLAUGHERTY: No.

6 REPRESENTATIVE HEFLIN: Okay.

7 MS. McCLAUGHERTY: I held them for a few  
8 minutes this afternoon because I used them to write  
9 something on a note, but I have not looked at them, no.  
10 We have heard the people tell us the story and that's  
11 why they came here today was so that you could ask  
12 questions about the way he said he would like to have  
13 asked them. They were here to answer them and they were  
14 stopped.

15 REPRESENTATIVE HEFLIN: I'm going to  
16 address that same issue in just a second.

17 MS. McCLAUGHERTY: All right.

18 REPRESENTATIVE HEFLIN: So next?

19 CHAIRMAN SMITH: Okay. Just a minute.  
20 Could you please come back before the next witness?

21 REPRESENTATIVE HEFLIN: I'm sorry.

22 MS. McCLAUGHERTY: Me?

23 CHAIRMAN SMITH: No, no. State your name.  
24 No -- Yes, Mrs. McClaugherty.

25 MS. McCLAUGHERTY: I'm Vern.



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1 CHAIRMAN SMITH: Okay. And you're  
2 testifying on behalf of OWLS in favor of Senate Bill  
3 362.

4 MS. McCLAUGHERTY: Yes, sir.

5 CHAIRMAN SMITH: Okay. What was your  
6 name?

7 MS. McCLAUGHERTY: Vern. You want the  
8 full name?

9 CHAIRMAN SMITH: Yes, ma'am.

10 MS. McCLAUGHERTY: Altalla (phonetic) Vern  
11 Carter McClaugherty, if you want my legal complete name.  
12 I go by Vern McClaugherty.

13 REPRESENTATIVE HEFLIN: We just need the  
14 name you testified under.

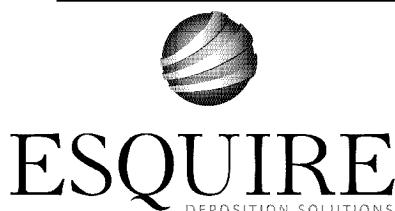
15 MS. McCLAUGHERTY: Well, okay. I'm just  
16 letting you know if you wanted it all. I was ready.

17 CHAIRMAN SMITH: Apparently Mr. Heflin has  
18 determined he doesn't need to hear from all of you, so  
19 thank you very much.

20 REPRESENTATIVE HEFLIN: Right.

21 MS. McCLAUGHERTY: Okay. He wants certain  
22 ones?

23 REPRESENTATIVE HEFLIN: I guess I'm going  
24 to follow Mr. Pena's -- I think I'm going to object to  
25 these being entered into the record or read into the



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1 record because we were denied basically the right to  
2 cross and ask questions of these witnesses.

3 CHAIRMAN SMITH: Let me just state no  
4 record be --

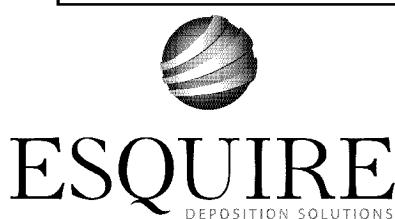
5 REPRESENTATIVE HEFLIN: I understand.

6 CHAIRMAN SMITH: There is no evidentiary  
7 record. This is not a trial. This is a public hearing  
8 which a public document was read, and if anybody else on  
9 this committee wishes to read a public document that is  
10 relevant to the purpose of this hearing that is of any  
11 reasonable length because we want as much information as  
12 we can get out into the public in a public hearing that  
13 does not jeopardize a prosecution, you'll be allowed to  
14 do so. If this were a trial rather than a legislative  
15 hearing, there would be a legitimate point. If there  
16 was an evidentiary record, an affidavit was being  
17 submitted as evidence, that would be a legitimate point,  
18 simply not the proceeding in which we find ourselves,  
19 and, therefore, this is no legitimate complaint request  
20 reading a public document into a public hearing.

21 REPRESENTATIVE HEFLIN: I would still --

22 CHAIRMAN SMITH: But those objections by  
23 my colleagues are duly noted.

24 REPRESENTATIVE HEFLIN: Thank you very  
25 much.



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1 CHAIRMAN SMITH: You bet.

2 REPRESENTATIVE VEASEY: Mr. Chairman?

3 CHAIRMAN SMITH: Yes.

4 REPRESENTATIVE VEASEY: I would like to  
5 read a public document to go that the record. I've been  
6 wanting to do this for a while and was waiting for the  
7 right segue, and you just opened the door for me.

8 CHAIRMAN SMITH: How long is this going to  
9 take? I said reasonably --

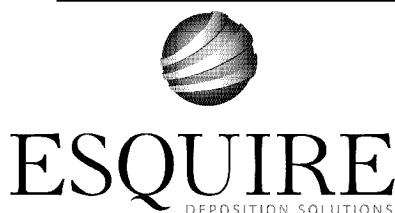
10 REPRESENTATIVE VEASEY: It is always very  
11 reasonable.

12 CHAIRMAN SMITH: Okay.

13 REPRESENTATIVE VEASEY: It's a few  
14 paragraphs.

15 CHAIRMAN SMITH: All right. Thank you.  
16 Please proceed.

17 REPRESENTATIVE VEASEY: This is a  
18 testimony in opposition to Senate Bill 362 submitted by  
19 Boyd L. Richey of Young County. He was the chairman of  
20 the Texas Democratic Party. And the letter reads: As  
21 chairman of the state political party, I'm always trying  
22 to get Texans engaged and involved in our election  
23 process. In 2008, we were encouraged to see many first  
24 time voters take an interest in the process. This is  
25 especially the case among our young people who can --



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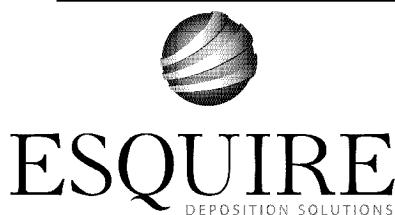
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1 who can be notoriously difficult to engage in politics.  
 2 In last year's primary election, Texas youth voter  
 3 turnout rate nearly tripled from the 2000 primary  
 4 election. It's encouraging to see more Texas voters  
 5 participating because the right to choose our elected  
 6 representatives in free and open elections is the most  
 7 fundamental cornerstone of our American democracy.

8                 However, numerous studies indicate that  
 9 certain segments of the population are less likely to  
 10 have the ID required by this proposed Voter ID  
 11 legislation. While we should do everything important to  
 12 encourage voting, Voter ID registration will make it  
 13 harder for every Texan to vote by placing new  
 14 bureaucratic hurdles between Texans and the ballot box.

15                 While responsible lawmakers want to make  
 16 it harder for Texans to vote, there's no evidence of  
 17 voter impersonation which is the only type of voter  
 18 fraud this Voter ID legislation would address. The only  
 19 rationale then is that this is an -- this is a desperate  
 20 attempt to try and keep failed Republican leaders in  
 21 office by suppressing the vote of groups that tend to  
 22 vote democratic. The harder it is to vote, the harder  
 23 it is for Texans to demand and get the change we need.  
 24 Just as there are more important issues facing our state  
 25 than phantom voting fraud epidemic, there are more --



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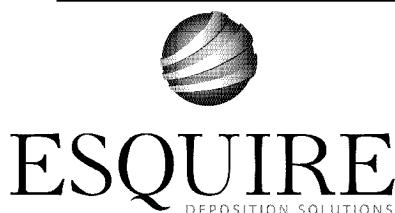
1 more pressing election items pending in this committee,  
 2 and the fact that the Republican elections committee  
 3 members have prioritized partisan Voter ID legislation  
 4 at the expense of critical issues is revealing of their  
 5 own partisan extremism.

6 Republican photo Voter ID legislation  
 7 places partisanship over progress. Texas Republicans  
 8 have given this costly and unnecessary legislation top  
 9 priority status while ignoring real issues caused by  
 10 this Republican recession. Texans face far more urgent  
 11 problems like lack of access to quality affordable  
 12 health care, the rising cost college tuition and  
 13 skyrocketing insurance and utility rates.

14 These are the issues folks in my community  
 15 are concerned with, and I suspect yours as well. Let's  
 16 do right by Texans to preserve free and fair elections  
 17 and get to work on solving some actual problems. I  
 18 strongly urge you to vote against this legislation as it  
 19 is bad for all Texans. And I have the testimony, and  
 20 I'll give it to the clerk, also the names of 5,000  
 21 individuals that --

22 CHAIRMAN SMITH: Please, I'm trying to be  
 23 fair about this.

24 REPRESENTATIVE VEASEY: -- against --  
 25 state an opposition to the bill. Mr. Chairman, thank



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1 you.

2 CHAIRMAN SMITH: Thank you, Representative  
3 Veasey.

4 UNIDENTIFIED SPEAKER: Mr. Chairman, I'd  
5 like to also make a statement in the record in  
6 opposition to the reading into the record of the -- of  
7 the affidavits which we were not able to cross-examine  
8 and state my concerns about possibly hampering the  
9 Attorney General's investigation citing, again, his  
10 admonitions from last night and today related to --  
11 related to the ongoing investigation in Progresso.

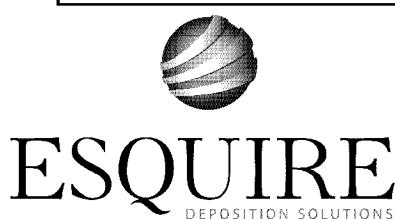
12 CHAIRMAN SMITH: Please.

13 UNIDENTIFIED SPEAKER: I would also like  
14 to note just for the record, Mr. Chairman, that the  
15 Progresso allegations relate predominantly to voter  
16 intimidation and poll worker and official misconduct and  
17 voter suppression bribery and in some cases, official  
18 intimidation of voters. Thank you.

19 CHAIRMAN SMITH: So noted. Anybody else?  
20 Chair calls Joey Cardenas? Cardenas. Yes, sir.  
21 Representing LULAC and speaking against testifying  
22 against Senate Bill 362; is that correct?

23 MR. CARDENAS: That is correct, sir.

24 CHAIRMAN SMITH: Please state your name  
25 and who you represent.



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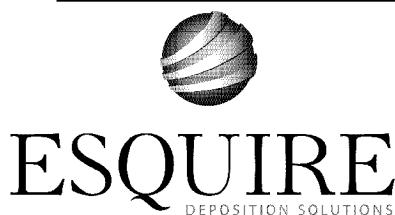
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1                   MR. CARDENAS: Joe Cardenas, the third,  
 2 representing the state of Texas for the organization of  
 3 LULAC. LULAC is the -- the -- this state's premiere  
 4 civil rights organization. It is its oldest Hispanic  
 5 civil rights organization as well. Speaking on behalf  
 6 of the thousands of members that belong to this  
 7 organization that vote in both the Republican and the  
 8 Democratic party, we're unanimously against this bill.  
 9 We don't believe that this bill will serve any purpose  
 10 other than to hinder people from going out to vote. To  
 11 put a further hindrance and a hurdle in front of the  
 12 voters of the state of Texas, we believe is simply  
 13 wrong.

14                  Given that the State of Texas is  
 15 increasingly becoming Hispanic, we most -- we most of  
 16 all feel offended that this bill will even be introduced  
 17 as legislation. Recalling the days when we had to pay  
 18 poll taxes in order to participate and the electoral  
 19 process of 1960s and -- and certainly well before that,  
 20 this is exactly what that smells like to us. This is a  
 21 regressive law if passed, and we want you to know that  
 22 this to us is an election issue. This is an issue that  
 23 we will well remember at the next election cycle. We  
 24 will go out and we will continue to increase our voter  
 25 participation. We will go out and we will continue to



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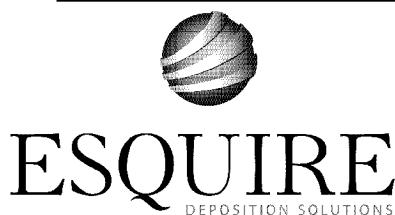
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1 register more and more voters. This past year, I'm glad  
 2 to tell you that we registered 4,000 new voters here in  
 3 Austin area as well.

4 LULAC feels very strongly about voter  
 5 fraud. We are the organization that people in this  
 6 state go to when they suspect voter fraud. When they  
 7 suspect fraud at county government, when they suspect  
 8 fraud at school districts. They come to us and we look  
 9 into that. We send the information. We -- We send the  
 10 information to our attorneys (inaudible) in some cases  
 11 that review that information to let us know whether  
 12 there is an actual cause, and I'm here to let you know  
 13 that, yes, there are cases of voter fraud and, yes, we  
 14 have had some, but you would lead us to believe that  
 15 this is a state-wide epidemic, and it is not.

16 I am also an election judge back home, and  
 17 I'm happy to let you know that apparently I happen to be  
 18 one of the competent counties that can run an election.  
 19 Because in my county we don't have voter fraud. There's  
 20 a long process that people must follow in order to vote.  
 21 We have voter rolls that we have to check aside from the  
 22 voter card that they must present different judges,  
 23 different clerks, folks. We're not incompetent.

24 If anything -- If anything, I think that  
 25 you ought to be thanking those volunteers who volunteer



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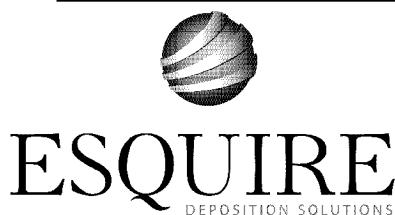
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1       in all of our counties to run those elections because it  
2       is an arduous process, and it is a very lengthy process  
3       to sit there literally 12 hours a day and then at the  
4       very end having to do paperwork that in some cases takes  
5       an hour. Thank you.

6                     CHAIRMAN SMITH: Thank you very much. Any  
7       questions, members? Any questions, members? Thank you  
8       very much. Appreciate it. Some of you may not have  
9       been here 12 hours ago when this thing started, and I  
10      asked all of the members in the congregation to -- to  
11      refrain -- I said you can make any facial expressions  
12      you would like to make. I'll even let you stick your  
13      tongue out, but please, please refrain from any verbal  
14      indications of whether you agree or disagree with the  
15      witness, otherwise, it results in something we don't  
16      want it to result in.

17                  At this time the chair calls Patrick --  
18      Patricia Elaine Ignacio. Are you present? Calling  
19      once. Calling twice. I'm going to show her as  
20      testifying -- as not testifying, but being in favor. At  
21      this time the chair calls Kelly McDonald. Kelly  
22      McDonald, you're here? Testifying against Senate Bill  
23      362 on behalf of yourself. Please state your name and  
24      who you represent.

25                  MS. McDONALD: Kelly McDonald. I'm



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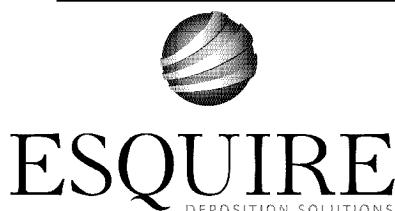
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1 representing myself. I'm from Waco, Texas, McLennan  
 2 County, and I appreciate my name being called finally.

3 CHAIRMAN SMITH: Sorry it took so long.

4 MS. McDONALD: I waded through my stuff  
 5 yesterday and all of today and for the senate hearing as  
 6 well. So I work as a community organizer in McLennan  
 7 County for political reasons to help educate voters, and  
 8 I encourage voter participation and train poll watchers.  
 9 I've worked in Texas and I worked in Florida as a  
 10 campaign worker, and I'm not opposed to having more  
 11 stringent rules to protect the integrity of the system,  
 12 but there are many aspects of Senate Bill 362 that  
 13 concern me, mostly, the lack of time and the lack of  
 14 funding to educate voters on the changes, and,  
 15 Mr. Chairman, I saw your name quoted today in the Waco  
 16 Trib as also wanting to extend the amount of time that  
 17 we have to educate voters before these changes are  
 18 implemented.

19 And a lot of the concern that I have in  
 20 the reading of the Senate Bill 362 is that it seems that  
 21 the responsibility falls more on like community  
 22 organizers and nonprofit organizations to do this  
 23 educating and less on our election officials in our  
 24 state, and I know that in some cases, some of the  
 25 organizations like the NAACP and AARP and LULAC, there's



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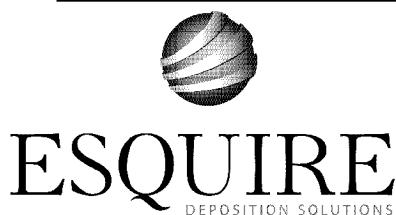
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1 not enough volunteers for those organizations to really  
 2 get to all the people that we would need to educate in  
 3 the amount of time that's allotted.

4                   And then I'm also worried about -- Like I  
 5 live in a rural area south of Waco, and there's not  
 6 organizations sustained to reach out to the low income  
 7 voter in the rural community, and so I'm wondering how  
 8 we're going to educate them under the writing of the  
 9 current bill. And then my second concern with 362 is  
 10 that it seems to rely on the poll worker to -- to have a  
 11 lot of discretion and to make judgments on the validity  
 12 of the IDs and the documentation that's required and  
 13 then also as a community organizer, we organize  
 14 rights -- rights to the polling places for disabled and  
 15 elderly and the homeless and the poor, and for us to  
 16 have to arrange transportation for this same group of  
 17 people to get Voter ID is going to place an additional  
 18 burden on a lot of volunteers, and I just don't think  
 19 that we have adequate people to get that done.

20                   And then last night when Michael Ortrell  
 21 (phonetic) from Florida came and was speaking to the  
 22 committee, I worked in Florida in the last election and  
 23 there were some issues with that that I wanted to  
 24 address because it sounded like you all may be looking  
 25 at Indiana and Georgia and Florida as to ways to get



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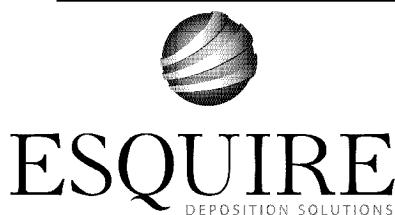
1 some legislation passed here. And one thing that the  
 2 vice-president of the student Democrats mentioned today  
 3 was the address not matching, and we had several people  
 4 that were turned away in Florida because of that very  
 5 reason, so I think that the wording needs clarification  
 6 on any bill that is sent forth here.

7                 And, also, it concerns me when you were  
 8 questioning Mr. Ortrell as far as how Florida does the  
 9 ballot by mail because there there's no cause required  
 10 for you to request a ballot by mail, and I know that's  
 11 not how it is in Texas now, but if you do re-look at  
 12 that and address it, I encourage you to make sure that  
 13 it stays in Texas where you need to have a reason for  
 14 doing a ballot by mail.

15                 And, also, in Florida, you don't have to  
 16 be deputized to carry a filled-out ballot. I know that  
 17 we were having volunteers go and pinning up ballot by  
 18 mails and bringing them and then I have some ideas on  
 19 how to prevent voter impersonation fraud and some  
 20 possible ideas to toss around about absentee ballots.

21                 CHAIRMAN SMITH: Okay. Thank you. That  
 22 will give the members an opportunity to -- to ask any  
 23 questions, but I'm interested in those subjects, so why  
 24 don't you answer those questions for me. Thank you.

25                 MS. McDONALD: Okay. And let's see.



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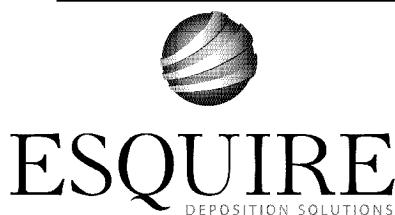
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1       There's the thumbprint. If we could maybe put the --  
 2       the responsibility on the elections offices to -- to  
 3       help instead of requiring a photo ID of the voter to  
 4       either, you know, take a photograph or have a thumbprint  
 5       when people go and vote and maybe that wouldn't work for  
 6       the first one or two election cycles, but if we started  
 7       doing it now, then eventually that would possibly be a  
 8       way to prevent voter impersonation fraud.

9                     CHAIRMAN SMITH: Yeah. Let me just say,  
 10      you know, that certainly is a way to do that. My sense  
 11      is that you get some pretty significant opposition from  
 12      both the left and the right.

13                  MS. McDONALD: May I ask what the  
 14      reasoning is?

15                  CHAIRMAN SMITH: Just Libertarian concerns  
 16      about being required to give a thumbprint whenever you  
 17      vote. But I'm open -- You know, I'm not much of a  
 18      Libertarian, so, you know, those aren't my concerns as  
 19      much. I'm more interested in honest elections. And  
 20      -- But I'm just -- I'm just letting you know. I  
 21      appreciate the suggestions because that certainly would  
 22      be a mechanism by which we would enhance the security of  
 23      our polls if we required fingerprints. The question --  
 24      question is whether we create such opposition to the --  
 25      We're politicians. We have to consider not only policy,



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1       but does the policy that you would recommend allow us to  
2       get the votes. So, anyway, continue. You don't have to  
3       worry about that.

4                   MS. McDONALD: Okay.

5                   CHAIRMAN SMITH: You just get to think  
6       about what --

7                   MS. McDONALD: Or what about taking a  
8       photograph --

9                   CHAIRMAN SMITH: -- about what's right and  
10       what's wrong.

11                  MS. McDONALD: -- of the person that votes  
12       and then that would also allow for a method of  
13       prosecution if it was shown that somebody voted in  
14       somebody else's name. You know, I mean, we have the  
15       capability of taking photographs and storing large  
16       numbers of photographs and then even a future election.

17                  CHAIRMAN SMITH: As they vote, you mean?

18                  MS. McDONALD: Yes. As they sign in to  
19       vote, take their photograph and then there could even be  
20       a -- a digital image that's printed out for them to  
21       compare to in further elections further down the road.

22                  CHAIRMAN SMITH: That would secure it as  
23       well. There would probably be a fiscal note on that,  
24       but that's an interesting idea. There's lots of ways to  
25       have more secure elections, and you are providing us



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1 with some.

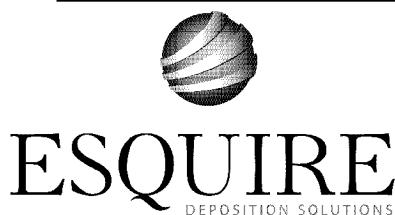
2 MS. McDONALD: And it wouldn't -- And it  
3 wouldn't put the responsibility on the voter or  
4 community organizers or nonprofits to educate the voter  
5 because the voters wouldn't actually have to do anything  
6 different. And --

7 UNIDENTIFIED SPEAKER: Can I ask a quick  
8 question about the photograph?

9 CHAIRMAN SMITH: Yes.

10 UNIDENTIFIED SPEAKER: We currently take  
11 people's photographs if they get a concealed hand -- or  
12 the state does if they get a concealed handgun license,  
13 state ID or a driver's license, right, and we store  
14 large files of those photographs already at the state  
15 level. Would your proposal be for every voter or for  
16 every voter that doesn't have the requisite ID or that  
17 states an affidavit, for example, that, hey, I don't  
18 have a photo ID? So I could see where we would not want  
19 to take an additional picture of a voter who already is  
20 showing a photo ID, right, but maybe for those who did  
21 not have it saying, hey, I don't have it, you take a  
22 photograph of them and maybe you present them with photo  
23 ID for the next election so they will have something. I  
24 mean, is that part of the plan?

25 MS. McDONALD: I thought about that. I



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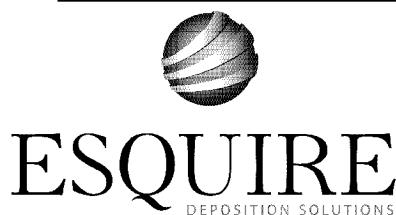
1 was thinking more of something that was stored within  
2 the election system and doesn't require someone to  
3 replace it or keep up with it. It will put the  
4 responsibility more on the system and less on the voter,  
5 but I thought about what you were saying as well, and I  
6 would certainly prefer what you're proposing to 362.

7 CHAIRMAN SMITH: Thank you.

8 MS. McDONALD: And then I've been really  
9 tossing around a lot of ideas the last couple of days  
10 listening to this is what we could possibly do about  
11 absentee ballots.

12 CHAIRMAN SMITH: I'm going to have to ask  
13 you to be as succinct as possible out of respect for the  
14 rest of the people.

15 MS. McDONALD: Okay. This is my very last  
16 point, and I don't know if these are valid suggestions  
17 or not, but I just want to propose them as  
18 possibilities. It was already mentioned about sending a  
19 mobile voting van out to people that do the absentee  
20 ballots. I was thinking of even sending a deputized  
21 worker out to -- to pick up the ballots and to -- to see  
22 some sort of ID or one of the documents that's  
23 mentioned. And then as far as out of town, turning  
24 something into a like the Federal post, if you're doing  
25 a ballot by mail to not just send it in the mail mail



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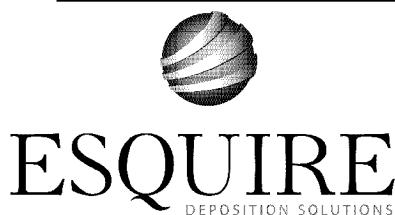
1 because you can do fraud that way, I think. But to turn  
2 it into a Federal place like the post office or military  
3 post or a public school or something where somebody  
4 could verify your identity before you mailed it in. I  
5 don't know how easy those would be, but very quickly,  
6 and then I will get off.

7 That reminds me that that might be another  
8 way, and we do end up with something as awful as Senate  
9 Bill 362, but to offer more options for people to get  
10 that Voter ID instead of just going to the DPS office  
11 and have it where they could go to a public school or a  
12 post office or something that was more -- more  
13 accessible to them in order to obtain that ID.

14 CHAIRMAN SMITH: I do very much appreciate  
15 your very constructive suggestions. Members, any  
16 questions? Representative Brown?

17 REPRESENTATIVE BROWN: I just have one  
18 question. Yes. Thank you for your comments. I've been  
19 trying to figure out how the thumbprint would work. The  
20 county would store thumbprints for all the voters and  
21 then as the voter came in, they would thumbprint again  
22 and compare that. Is that how you see it working?

23 MS. McDONALD: Well, I think that since  
24 we're already using the thumbprint, when we go and get  
25 the Texas ID or the Texas driver's license and most



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1 of those would already be on record, and then if  
2 everyone gave it when they voted, then you would then  
3 have that additional record. And I was thinking more of  
4 use to prosecute somebody if there was a case of voter  
5 fraud and just to help preserve the integrity of the  
6 system without putting the burden on the voter.

7 REPRESENTATIVE BROWN: Okay. So you  
8 wouldn't make the comparison then when they came in to  
9 vote?

10 MS. McDONALD: I don't even know how  
11 possible that is.

12 REPRESENTATIVE BROWN: I think it would  
13 really slow the process down.

14 CHAIRMAN SMITH: I think it would be a  
15 mechanism by which someone could investigate after the  
16 fact if there was a reason to do so.

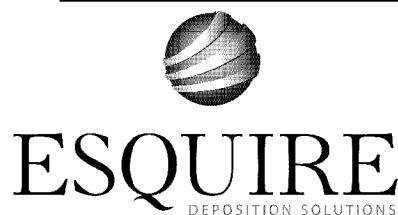
17 MS. McDONALD: That's what I was thinking.

18 CHAIRMAN SMITH: And I would suspect if  
19 you did it, you'd have a box by where you presently  
20 sign.

21 REPRESENTATIVE BOHAC: I have a question.

22 CHAIRMAN SMITH: Yes. Representative  
23 Bohac?

24 REPRESENTATIVE BOHAC: Hi there. You had  
25 mentioned that you help out -- you help people as a



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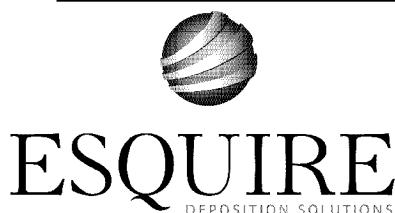
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1       community organizer and you help to go vote, and, you  
 2       know, we do require Voter ID now in the sense that you  
 3       have to keep up with that card. And you made a comment  
 4       to the committee that really don't want to have --  
 5       really don't want to keep up with too many items. There  
 6       already is something you have to keep up with, that  
 7       voter registration card. What we're saying is get rid  
 8       of that card. You don't got to keep up with it anymore.  
 9       Just use the ID that you have, and if you -- and if you  
 10      don't have the ID, we're going to help you get one. And  
 11      I would assume for most people, you especially, if you  
 12      are going to receive help from anyone, you would have to  
 13      be able to prove up who you are. Are you saying that  
 14      the group of people that you help do not have access to  
 15      a photo ID?

16                  MS. McDONALD: No, sir. Actually, I'm not  
 17      saying that at all. I can -- I do believe in the  
 18      statistics that I keep hearing that there is a  
 19      population of -- of around 2 percent that don't have  
 20      photo ID. But I have not personally carried anyone to  
 21      the polls that hasn't been able to present some form,  
 22      and I really like the part of Representative Brown's  
 23      HB125 that makes a provision in there for low income  
 24      voters.

25                  CHAIRMAN SMITH: We need to make sure we



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1       keep the testimony on this piece of legislation, which  
2       is the Senate Bill at this point in time, and we will  
3       have testimony later or today tomorrow or the next day  
4       on Representative Brown's bill.

5                  MS. McDONALD: Well, to answer your  
6       question more directly then, I believe that there are  
7       some low income voters that maybe don't go vote because  
8       they don't have either their registration card or ID.

9                  MR. BOHAC: And for that group of vote, I  
10      was -- we have to figure out a strategy on this  
11      committee because I think everyone's heart is in the  
12      right place. I really do. I mean, this has been a  
13      terrific learning experience for everyone on this  
14      committee. I think everyone has been all ears really  
15      trying to come up with -- with solutions and not just  
16      throw wrenches or throw bombs at one another. That has  
17      not been the case.

18                  MS. McDONALD: For this committee, I  
19      agree. For Senate Bill 362, I disagree. I think that  
20      was suppression.

21                  REPRESENTATIVE BOHAC: I want to thank you  
22      for your testimony.

23                  CHAIRMAN SMITH: We all thank you for your  
24      testimony, and if there are no questions, I'll take my  
25      next witness. Thank you very much.

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1                   At this time the chair calls Phillip Laird  
2 representing himself. You here, Phillip? Walk in --  
3 Are you Phillip? Okay. Phillip's not here, so I'm  
4 going to show Phillip as not testifying but as being  
5 shown in favor of the bill. And just for your  
6 information, we are calling these people I am told in  
7 the order that you signed up with the exception of a few  
8 witnesses at the very beginning of the day, and that  
9 gentleman who I let move to the front of the line  
10 because he told me that he thought he would be  
11 disqualified from voting. So as we get closer till  
12 2 o'clock in the morning, some of the rest of you may  
13 try that. I'm sorry?

14                   At this time the chair calls Steve  
15 Whichard speaking for himself against Senate Bill 362.  
16 Welcome.

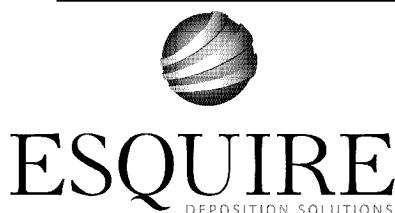
17                   MR. WHICHARD: Thank you.

18                   CHAIRMAN SMITH: State your name and who  
19 you represent.

20                   MR. WHICHARD: Okay. I'm Steve Whichard,  
21 and I'm representing myself and the rest of Texas  
22 voters.

23                   CHAIRMAN SMITH: All of them?

24                   MR. WHICHARD: Yes. I'm actually one  
25 those that would be disenfranchised by this bill. I am



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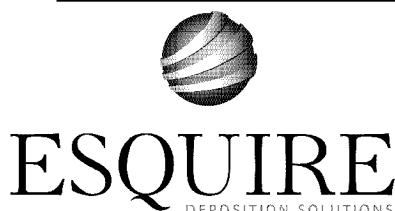
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1 homeless. I'm not illiterate, even though that's one of  
 2 the questions that was asked about helping the homeless  
 3 get IDs earlier by Representative Brown. I carry most  
 4 of the things I own -- since I lost my job and lost my  
 5 home I carry in this bag or I have a lock at the Arch,  
 6 one with a combination lock and one with another lock  
 7 that has a key. I have my wallet. If my wallet  
 8 disappears that has my Social Security card and my  
 9 driver's license, if this bag that has my voter  
 10 registration card disappears, and if someone brakes into  
 11 the locker and my birth certificate is stolen, I have  
 12 nothing. And it can happen. I've seen it happen there  
 13 all within one week to one person.

14 To get a birth certificate from North  
 15 Carolina, to get another copy of my Social Security card  
 16 in time to vote, I'd have to hope that the robbery  
 17 happened three months before the election. Otherwise, I  
 18 would be a Texas voter that could not vote.

19 I skipped school the day I turned 18 to  
 20 register to vote, and I'm 50 years old. I've been  
 21 active in politics and civil rights since I was 8 years  
 22 old, and for you to try with this bill to disenfranchise  
 23 the homeless, the poor, the elderly and minorities is  
 24 nothing but partisan voter suppression. Next, you'll  
 25 be -- when I'm walking down the street you will have



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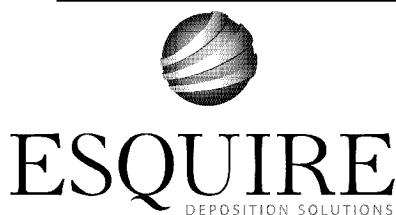
1 someone asking me to show my papers so that I can walk  
2 through the City of Austin. This is not helping stop  
3 voter fraud.

4 You've talked about voter fraud all day  
5 long because I've been here. I've listened. It's all  
6 mail-in ballots. You have no proof of any voter fraud  
7 where someone goes in and votes as someone else. So  
8 that's not an issue in this state. So why is this the  
9 priority issue instead of funding schools, Chip, taking  
10 care of the Texas roads, taking care of the homeless  
11 problem. Because believe it or not, as a college  
12 graduate, I was two paychecks away from being homeless  
13 and it happened, and there are a lot of others here in  
14 Texas as the economy gets worse and our unemployment  
15 gets higher, they will be in the same situation I'm in,  
16 but you don't care about them. You only care about this  
17 partisan bill. Thank you.

18 CHAIRMAN SMITH: Any questions for this  
19 witness, members? I don't see any. Thank you.

20 At this time the chair calls Roxanne  
21 Lewis. Roxanne, are you here? Don't see her. So I --  
22 I'm going to show her in favor of Senate Bill 362, but  
23 did not testify.

24 At this time the chair calls Vanessa  
25 Edwards Foster? Are you here? Is that a yes? Okay.



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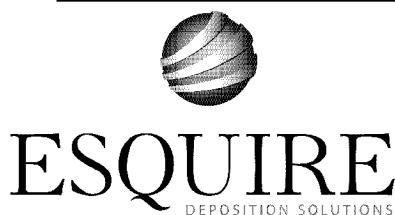
1       And as you're coming up, I believe she's going to  
2       testify on behalf of Texas Gender Advocacy & Information  
3       Network against Senate Bill 362. If you would please  
4       state your name and who you represent.

5                   MS. FOSTER: Again?

6                   CHAIRMAN SMITH: Yes, please, if you don't  
7       mind.

8                   MS. FOSTER: All right. My name is  
9       Vanessa Edward Foster, and, again, I'm the director of  
10      the Texas Gender Advocacy & Information Network. First  
11      off, I just want to applaud you for -- for attempting to  
12      try and find a way to end voter fraud. I am a -- a long  
13      time actually election judge there in Houston, Harris  
14      County, and one of the things that you know is dear to  
15      my heart is to find a way to ensure that everybody  
16      votes, but you have one vote, one person.

17                  However, that said, I also oppose this  
18      bill for a couple of different reasons. There's  
19      actually four different things within the text of the  
20      bill that I have issues with. One of them specifically  
21      that especially as election judge, I find a very  
22      probable extra way of actually having fraudulent vote or  
23      more than one vote for one person. But what we are  
24      trying to do here is to end any potential fraud, any  
25      potential individuals voting when they are not



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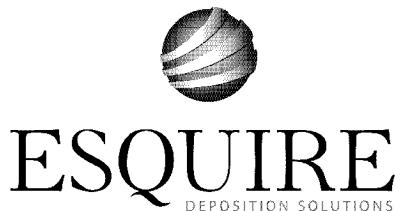
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1 registered to vote.

2 And, for instance -- say, for instance,  
3 someone walks in with a Voter ID and on the photo ID,  
4 the individual is black, but the photo ID shows someone  
5 who is white. They will not be allowed to vote,  
6 correct? Now, you have someone that's 25 years old  
7 like -- say like a skate punk with his long hair kind of  
8 tied back, and he walks in with a Voter ID and a photo  
9 ID of someone that is 75 years old. He's not going to  
10 be allowed to vote.

11 I am a transsexual, and one of the things  
12 that is not addressed adequately in Senate Bill 362 are  
13 for individuals who transition from one gender to  
14 another, and I know because I've had this situation  
15 happen to me in 1996 when I went to go vote early vote.  
16 What happens is there are standards of care that are not  
17 taken into account for here. Individuals change  
18 literally. Their appearance changes. So what happens  
19 if someone who walks in with a Voter ID that says Kathy  
20 and a photo that is female, but it's obviously someone  
21 who's been on testosterone for a while and has receding  
22 hairline, and a beard and maybe even some chest hair  
23 showing. Do you think they're actually going to be  
24 allowed to vote?

25 For Senator Fraser, his words were that he



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1       wanted to ensure in the senate testimony that the  
 2       individual who is presenting the registration did not  
 3       have a stolen registration. They really wanted to make  
 4       sure that that person was who they said that they were.  
 5       In fact, Senator Shapiro said the same thing. They're  
 6       just trying to make sure that everyone's ID matches who  
 7       they are, and, in fact, Representative Bonnen, you  
 8       mentioned that you wanted the facts on this, that we  
 9       needed to stick to the facts and the point.

10                  The facts and the points are that for  
 11       individuals who transition from one gender to the other  
 12       in the State of Texas, we have no uniform code on that,  
 13       and we've had difficulties in trying to address this now  
 14       for seven sessions. This is our eighth. For 16 years  
 15       we've been trying it, and we've got another bill again,  
 16       but it's languishing. I don't really, you know, presume  
 17       that that's actually going to pass by the time this bill  
 18       actually makes it into law. But the issue is that we  
 19       are actually in essence disenfranchising anyone who's  
 20       transsexual, who's transitioning from one gender to the  
 21       other by requiring a photo ID at the vote -- especially  
 22       when that photo ID does not match their presentation and  
 23       this is something that --

24                  CHAIRMAN SMITH: Time's up, if you don't  
 25       mind. At this point I want you to know I think there's



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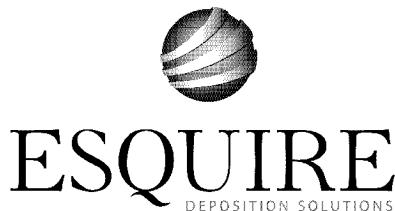
1       a lot of sympathy with your position on this committee.  
 2       There's some uncertainty of what the Senate Bill does in  
 3       that regard and the extent to which you may be correct  
 4       in terms of how you read it. It would be my hope that  
 5       the house language would be perfectly clear, and let me  
 6       just tell you why.

7                   We took a trip -- My family took a trip  
 8       overseas where I was in the woods for three or  
 9       four weeks, and I was in China trying to get from one  
 10      province to another, and my hair was all out of whack,  
 11      my beard was all grown, and I had some Chinese guy who  
 12      couldn't speak my language, and I couldn't speak his.  
 13      And he was looking at me and he was looking at that  
 14      picture, and he was looking at me, looking at that  
 15      picture.

16                  I do agree with you that it could be  
 17       create significant problems if we have part-time poll  
 18       workers trying to decide whether you look enough like  
 19       your picture to be able to cast a regular ballot or  
 20       provisional ballot. Obviously, to the extent that  
 21       anybody suspects fraud, they would be able to report it  
 22       to the proper authorities.

23                  MS. FOSTER: But it's just the picture  
 24       though.

25                  CHAIRMAN SMITH: But what they would not



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1 be able to do is prevent you from exercising your  
2 constitutional right to cast a ballot based on a  
3 discretionary decision of whether or not you have the  
4 same amount of facial hair, the same amount of weight,  
5 or even the same gender as you did at the time the  
6 photograph was taken.

7 MS. FOSTER: Gender and me.

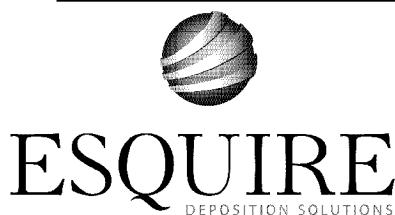
8 CHAIRMAN SMITH: So I think -- I think  
9 those concerns can -- and to the extent that the rest of  
10 the committee agrees with me -- will be addressed in the  
11 legislation coming out of this committee. So we  
12 appreciate your testimony. Are there any other  
13 questions from any of the members at this time? I don't  
14 hear any. Thank you very much.

15 The chair calls H. Dale Jennings. Are you  
16 here, Mr. Jennings, because if you are not here, I'm  
17 going to show you as not testifying but be in favor of  
18 Senate Bill 362.

19 Russell Duerstine? Not here? He's not  
20 going to testify, but is in favor of Senate Bill 362.

21 The chair calls Madeline Dewar, speaking  
22 on behalf of herself against Senate Bill 362. Please  
23 state your name and who you represent.

24 MS. DEWAR: My name is Madeline Dewar.  
25 I'm from San Antonio, and I am against Senate Bill 362.



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1 CHAIRMAN SMITH: Speaking on behalf of  
2 yourself?

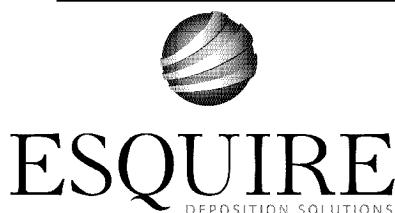
3 MS. DEWAR: Speaking on behalf of myself,  
4 yes.

5 CHAIRMAN SMITH: Okay.

6 MS. DEWAR: I'd like to preface my  
7 testimony with the statement that I feel much more  
8 positive and comfortable with the overwhelming majority  
9 of this committee including your conduct, Mr. Chairman,  
10 than I felt during the 20 plus hours I sat waiting to  
11 testify in the senate -- I mean, this is -- this is  
12 warming my heart, and I do feel that most of you,  
13 Republican and Democrat, are really trying to do  
14 something.

15 CHAIRMAN SMITH: Thank you.

16 MS. DEWAR: You know, my testimony is that  
17 I live in a working class barrio in San Antonio. Many  
18 of my neighbors work two and sometimes three jobs.  
19 Others are elderly and on very limited incomes. Even if  
20 the photo ID were made available entirely free, the  
21 documents required to obtain those IDs are not. If you  
22 choose food for your children or medicines for yourself  
23 against obtaining birth certificates or other documents,  
24 what would you do? What would your priority be? Just  
25 taking time off from work from a minimum wage hourly --



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1 for a minimum wage hourly worker is often not feasible,  
 2 especially in San Antonio with the horrible public  
 3 transportation system.

4 Some of you may consider obtaining a  
 5 driver's license or a Texas ID a simple matter. For the  
 6 poor and many elderly, it can be a complex time  
 7 consuming and costly process. By the way, for a number  
 8 of reasons, my 38-year old son does not have a driver's  
 9 license, nor does he have any alternative forms  
 10 mentioned in this bill except his birth certificate and  
 11 his voter registration, and if he didn't have me to buy  
 12 him a Texas ID, he wouldn't be able to get it. He would  
 13 no longer be able to vote, but the noncitizen, a felon,  
 14 who'll be out of the county during the election period  
 15 would be able to early easily vote with the -- the  
 16 process, the absentee process.

17 If we have evidence of tens of thousands  
 18 or even hundreds of fraudulent voters, I'd be standing  
 19 here working hard to find an answer to ensure ballot  
 20 integrity, but as has been clearly shown that there is  
 21 no voter fraud in Texas that would be eliminated by this  
 22 bill, okay, despite the inappropriate use of huge amount  
 23 of taxpayer's money to investigate and find such fraud.

24 I was very impressed with the suggestions  
 25 and testimony of the first witness, Randall Buck Wood.



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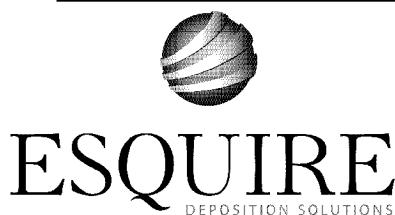
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1 His suggestions are intended to enhance voter  
 2 participation and truly test for voter fraud while this  
 3 bill, as currently written, is simply intended to reduce  
 4 voter participation. It is not intended to reduce  
 5 nonexistent voter fraud.

6 In the senate, Senator Fraser repeatedly  
 7 referred to the increase in democratic votes in Georgia  
 8 and Indiana, but failed to mention that those increases  
 9 were present across the entire country inarguably  
 10 attributable to Barack Obama and the overall 2008  
 11 political environment. Those two states were  
 12 particularly in play as never before. This bill is a  
 13 blatant partisan effort to disenfranchise minorities and  
 14 the elderly and poor of Texas with a very expensive  
 15 backdoor poll tax. The bill's real intent is to  
 16 suppress democratic votes in order to stem the political  
 17 direction of the great State of Texas.

18 I'm here to ask that every representative  
 19 present today look into their hearts and do the right  
 20 thing for the many voters of Texas who are less  
 21 fortunate themselves. Do not take away their right to  
 22 vote.

23 CHAIRMAN SMITH: We won't. Any questions,  
 24 members? You all are doing good. I'm proud of you.  
 25 That's okay. I like it.



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1                   At this time the chair calls Ann Hettinger  
2 with Concerned Women of Americas. Ann still here?  
3 Don't see Ann, so I'm going to show her as not  
4 testifying, but being in favor of Senate Bill 362. Now  
5 we're getting down to the tough ones.

6                   Hayward Vickery, Junior. Are you here?  
7 All right. I'm going to show him as being in favor of  
8 Senate Bill 362, but not testifying.

9                   Chair calls Wayne Lessmann. Don't see  
10 Wayne. So I will show him as testifying in -- or not  
11 testifying in favor of Senate Bill 362.

12                  Chair calls Richard Wheeler who's  
13 testifying in favor of Senate Bill 362 on behalf of  
14 himself, I believe. Please state your name and who you  
15 represent.

16                  MR. WHEELER: My name is Richard Wheeler,  
17 and I represent myself.

18                  CHAIRMAN SMITH: Thank you.

19                  MR. WHEELER: I've got kind of a story  
20 that I want to tell you, and I'll try to keep it as  
21 brief as I can. I own a mail store here in Austin,  
22 Texas, and every voting period we get stacks and stacks  
23 and stacks of voter registrations that come in for our  
24 mailbox holders. The problem is is about 50 percent of  
25 them are wrong. 50 percent of the voter registrations



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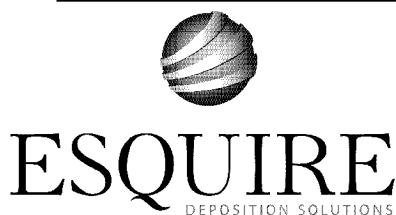
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1       that come to my store are people who have not had a  
 2       mailbox at my store. I've got the evidence right here  
 3       in this folder right here that I'm going to leave with  
 4       you guys that haven't had mailboxes in five, six,  
 5       seven years.

6                   And what's happening is I got so fed up  
 7       with it, that finally when I saw one of the voter  
 8       registrations for the guy that I knew was in jail for  
 9       armed robbery, I said that's it. I've had it, you know.  
 10      So I finally decided I was going to get on the phone,  
 11      and I called the Secretary of State's office. And I  
 12      complained and complained, and they said it wasn't our  
 13      problem. So then they said, Bill, that's Travis  
 14      County's problem.

15                  So then I got on the phone. I called  
 16      Travis county, and I said, look, I've got 35 to 40 voter  
 17      registrations in my hand right now are for people who  
 18      haven't had a mailbox here in five to seven years, and I  
 19      said and you're mailing them to the last known address  
 20      that you have for them, and I said there's no integrity  
 21      there. I could go out and I could vote 40 times if I  
 22      wanted to. And they said, no, you're wrong. We remove  
 23      them after two years, and I said you do not. I said I  
 24      have them here and I have proof, and they said, no, we  
 25      don't. I said you're mailing them to people that are in



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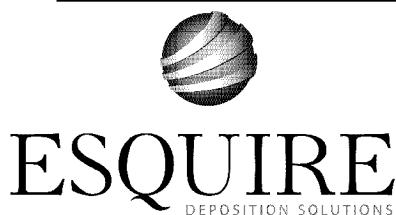
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1 jail too. No, we're not. Yes, you are. I said I have  
 2 the voter registration in my hand. They denied it.  
 3 They gave me the runaround. They kept giving me the  
 4 runaround.

5 So, finally, I contacted News 8. News 8  
 6 came out to my store, and they looked at it and they  
 7 were just shocked, so they did a piece on it. And that  
 8 was about a year ago, and, finally, it was -- became a  
 9 dead issue. So about, I don't know, maybe a month ago,  
 10 an election judge came into my store, and I showed him  
 11 that big stack of voter registrations and when I showed  
 12 him that stack of voter registrations, his eyes got big,  
 13 and I said I called everybody. Nobody cares. I said  
 14 they're just sending the voter registrations out to the  
 15 last known address, and some of these people haven't  
 16 lived in Texas that, you know, I've got in here where  
 17 they've moved out of state. They live in California.  
 18 Several -- Bunch of these live in California. Some even  
 19 live in North Carolina. I've got the address in North  
 20 Carolina. I got the address in California. They  
 21 haven't lived here in years, but the voter registration  
 22 still goes to last known address. So anybody can take  
 23 that, walk in and vote.

24 And I had the gentleman back there go  
 25 through these with me, and according to what his person



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1       was working on it is that 24 of these -- of this stack  
 2       here were fraudulently registered because they said that  
 3       they lived in my store and received their mail in my  
 4       store and of those six voted. So six of these should  
 5       have been invalidated to begin with and that's the ones  
 6       that I knew about. That's the ones I didn't put into  
 7       people's mailboxes. These are the ones that, you  
 8       know -- and every year I'm just getting tired of seeing  
 9       stacks and stacks and stacks of these come in.

10           And I asked my mail carrier that delivers  
 11       mail, and I said what do you do when you get a stack of  
 12       voter registrations that go to a house that there's 15  
 13       different names on that? I said do you go through those  
 14       same things one by one by one to make sure that these  
 15       people live in this house? And he goes, not my job. He  
 16       said I put them there, and it's up to the people living  
 17       there to either return them or destroy them. And I said  
 18       what if they don't? He goes, that's not my problem.

19           So I -- I thought it would be, you know,  
 20       worthwhile coming up here, and I'm going to leave these  
 21       as evidence for you. I don't know what to do with them.  
 22       I'll keep showing them to people. I don't know what to  
 23       do with them. So, finally, I've got somewhere where I  
 24       can leave them somewhere and somebody can take these off  
 25       my hands because I'm tired of showing them to people.



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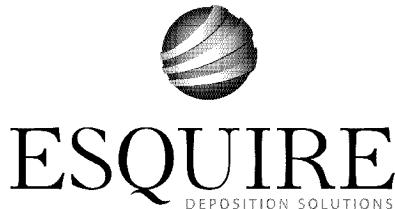
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1                   But I think we need to -- I think we need  
 2 an ID because I think -- at least I know Travis County  
 3 is way too haphazard by sending out voter registrations  
 4 to the last known address on file, and like one of these  
 5 people that was sent to, I called him up, and I said I  
 6 got a confession to make. I said I got your voter  
 7 registration here -- He hasn't lived here in four years.  
 8 I said I got your voter registration here. And he said,  
 9 well, I never registered to vote. I got my license  
 10 there when I -- when I visited Austin last time, but he  
 11 said I never registered to vote, and I said, well, your  
 12 voter registration is here. I said I've got it here. I  
 13 just want to let you know that I'm going to be taking it  
 14 in, and I'm going to give them your phone number and  
 15 your address on here so you can validate that you  
 16 haven't lived in Austin, you know, in the last  
 17 four years, and Travis County has not removed you from  
 18 the voting list. He said I've never voted in Travis  
 19 County in my life.

20                   So until Travis County gets a little bit  
 21 more efficient on sending out voter registrations, we  
 22 got to have something to -- to prove that these people  
 23 are who they say they are. One suggestion that I made,  
 24 and I don't know whether this is even possible about a  
 25 possible solution to maybe make the Democrats and



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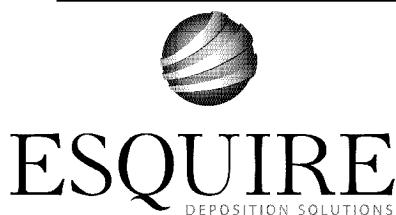
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1           Republicans happy is say if you don't --

2                   CHAIRMAN SMITH: Give them to me.

3                   MR. WHEELER: If you don't have a say, if  
 4 you don't have a picture ID, you take -- you have to go  
 5 into this other group of voting machines, and it asks  
 6 you what is the sum of the last four digits of your  
 7 Social Security or it randomly asks you what's the sum  
 8 of the last two, what's the sum of the last three. And  
 9 each time it asks you a different one, and that way if  
 10 you find your voter registration on your uncle's desk  
 11 and your uncle doesn't want to vote, you can't grab it  
 12 off his desk. You go in to vote, and you don't have his  
 13 ID. You go, oh, what's the sum of the last three digits  
 14 of Uncle Bob's social security number? I guess I'll  
 15 take a guess, and if it's wrong, it invalidates your  
 16 vote. I mean, that's one way where you could actually  
 17 prove that that's the person that it is without actually  
 18 giving away what your Social Security number is.  
 19 Because -- And the machine's going to know whether it's  
 20 right or wrong. It will ask you randomly.

21                   You know, that's a suggestion I've had,  
 22 but I don't know if that's something that the machine  
 23 could do, but I'm tired of keeping up with all these,  
 24 and they went through them, and, I mean, you'll see so  
 25 many of these that came into my store, and I've got



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1       their mailbox applications here that shows that they  
2       haven't had -- you know, received mail in my place in  
3       years and years and years and years, but -- Travis  
4       County does not update their files, but I did find out  
5       that the guy that did get arrested for armed robbery and  
6       is in prison, they have recently taken him off the  
7       voting thing. They sent his voter's registration, but  
8       now he's off. I don't know whether my call in to there  
9       and raising cane with them had him removed or not, but  
10      he has been removed.

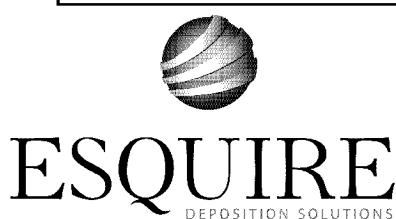
11                   CHAIRMAN SMITH: So your concern is that  
12       we've got basically these documents floating around out  
13       there --

14                   MR. WHEELER: Going to the wrong  
15       addresses.

16                   CHAIRMAN SMITH: -- that are basically a  
17       free ticket for anybody to pick them up and go vote.

18                   MR. WHEELER: That's exactly right.

19                   CHAIRMAN SMITH: And you have a signature  
20       on the card so if you are capable of in general terms  
21       recreating the signature that you see on the card when  
22       you -- when you -- when you vote. I don't know if when  
23       you offer that and you have to sign -- Yeah. And so I  
24       don't know if they lay a card down where they have to  
25       sign or not.



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1 MR. WHEELER: So they just have to sign  
2 it, yeah.

3 CHAIRMAN SMITH: But -- but -- So if you  
4 don't have to sign at the poll, there's not even the  
5 matching signature provision.

6 MR. WHEELER: I get 30 to 50 every voting  
7 period. 30 to 50. I have about --

8 CHAIRMAN SMITH: So your presumption is --

9 MR. WHEELER: -- 34 in here right now.

10 CHAIRMAN SMITH: That if it's that easy,  
11 all you do is lay the card down. There's not anything  
12 to back it up. That it is almost impossible, if not  
13 impossible, in that situation to catch.

14 MR. WHEELER: Right. I could have voted  
15 45 times.

16 CHAIRMAN SMITH: That your presumption is,  
17 therefore, there are people doing it because it's easy  
18 to do.

19 MR. WHEELER: It's too easy not to do.

20 CHAIRMAN SMITH: Impossible to detect and  
21 there are motives to do it because people are trying to  
22 win elections and, therefore, your presumption is that  
23 it occurs more often than what we know as a matter of --

24 MR. WHEELER: Exactly.

25 CHAIRMAN SMITH: -- evidence and fact.



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1 MR. WHEELER: Exactly.

2 CHAIRMAN SMITH: Any questions, members?

3 UNIDENTIFIED SPEAKER: Real quick. Those  
4 aren't originals, are they?

5 MR. WHEELER: Yes, they are.

6 UNIDENTIFIED SPEAKER: I don't know if I'd  
7 leave originals here. That's your call.

8 MR. WHEELER: Well, I don't want to give  
9 them to somebody else.

10 UNIDENTIFIED SPEAKER: It sounds like you  
11 really want to get rid of them.

12 MR. WHEELER: I'm tired of showing them to  
13 people in my store, so --

14 CHAIRMAN SMITH: You should probably turn  
15 them over to Dana.

16 MR. WHEELER: I made copies of them all  
17 and kept them at my work, but I assume get rid of all  
18 these originals to someone here.

19 UNIDENTIFIED SPEAKER: And they send them  
20 back to you.

21 CHAIRMAN SMITH: I'd like to have a copy  
22 of them.

23 UNIDENTIFIED SPEAKER: Tom, we're only  
24 kidding.

25 CHAIRMAN SMITH: What I would like to do



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1 if okay is take possession of them and then make copies  
2 available to any of the members on the panel that wish  
3 to have them or I will actually -- Okay. Any other  
4 questions for this witness, please? I don't see any  
5 questions. Yeah, I'm going to give that to my clerk and  
6 we'll make copies.

7 UNIDENTIFIED SPEAKER: He's going to do  
8 the investigation.

9 CHAIRMAN SMITH: Thank you.

10 MR. WHEELER: Thank you, gentlemen.

11 CHAIRMAN SMITH: Appreciate it. We're  
12 just going to make copies to the extent that anybody  
13 asks for it. You got it, Travis? I want to look at  
14 those. Carla Mercado?

15 UNIDENTIFIED SPEAKER: She's gone.

16 CHAIRMAN SMITH: She's gone. So the  
17 witness is not testifying and being against Senate Bill  
18 362.

19 The chair calls Terri Burke representing  
20 the ACLU of Texas against Senate Bill 362. Please state  
21 your name and who you represent.

22 MS. BURKE: I'm Terri Burke. I'm the  
23 executive director of the ACLU of Texas.

24 CHAIRMAN SMITH: Thank you.

25 MS. BURKE: Thank you.



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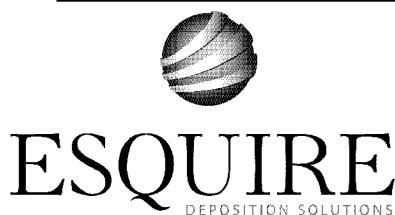
1 CHAIRMAN SMITH: You're welcome.

2 MS. BURKE: Earlier Representative Anchia  
 3 made the point that he thought perhaps the elections  
 4 committee would focus on broader issues and the broader  
 5 picture. We at the ACLU agree that what Texas needs is  
 6 a top to bottom review of the election process.

7 Nevertheless, the bill in front of us is this one. And  
 8 our concern specifically about it is the fact that we  
 9 believe it will create more possibilities for  
 10 provisional ballots. Provisional ballots are a serious  
 11 problem in our state. They are more serious than voter  
 12 impersonation because so many provisional ballots are  
 13 rejected in our elections.

14 We've discovered through our research of  
 15 provisional ballots that we have an extremely high rate  
 16 of rejection. The average rate nationwide is  
 17 20 percent. In Texas, in the '04 presidential election,  
 18 the rejection rate was over 78 percent. In the 2008  
 19 election, the one we just had, the rejection rate was  
 20 right at 78 percent. 42,000 Texas voters cast  
 21 provisional ballots and only 9,400 of them were actually  
 22 counted, meaning, that 32,000 Texans were -- their votes  
 23 were not accepted.

24 There are deterrents to in-person voter  
 25 fraud already in place in Texas. You've spoken today



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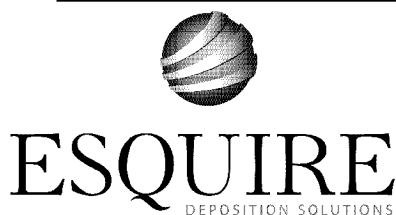
1 about HAVA. You've had witnesses who have testified to  
2 that. There is more risk in Texas of an eligible voter  
3 being rejected at the polls due to some clerical error  
4 than there is of a fraudulent one even being allowed to  
5 pick up a ballot. Voting in Texas should mean your vote  
6 counts. It should not be a case that you have a one in  
7 five chance of having your vote count. Voting is a  
8 foundational right, and we don't think it's something  
9 that should be gambled with.

10 CHAIRMAN SMITH: Thank you very much. And  
11 just for purposes, my understanding is that currently  
12 most of the absent -- I mean, the provisional ballots  
13 are cast because people are not even on the voter  
14 registration rolls.

15 MS. BURKE: They have been purged.

16 CHAIRMAN SMITH: So I think we're looking  
17 real seriously at the possibility of creating a separate  
18 kind of provisional ballot where the mechanism by which  
19 it is counted is very different, and -- and it will be  
20 structured so that we do everything within our power to  
21 ensure that those votes are counted to the extent that  
22 they are demonstrated to be legal, okay? So I think --  
23 I think we can get there.

24 MS. BURKE: You know, one other issue with  
25 them is that often the election folks, the poll workers,



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1 don't offer that option to the voter. A lot of these  
2 provisional ballots only get cast because the voter  
3 knows to ask for it. But if you don't know to ask for  
4 it, it doesn't get offered, so that's another part of  
5 that educational process --

6 CHAIRMAN SMITH: Yeah.

7 MS. BURKE: -- you've been talking about.

8 CHAIRMAN SMITH: Well, we'll do what we  
9 can, and that certainly would not be the intent of this  
10 committee for that to be discretionary on the part of a  
11 judge.

12 MS. BURKE: Well, it has been.

13 CHAIRMAN SMITH: Okay. Thank you very  
14 much. Any other questions, members? Thank you.

15 MS. BURKE: Thank you.

16 CHAIRMAN SMITH: James Carter?

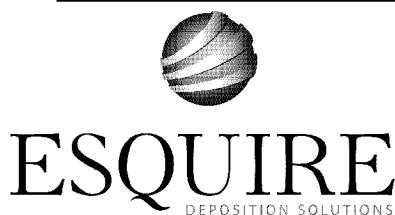
17 Representing the Republican party of Bell County and is  
18 testifying in favor of Senate Bill 362. Please state  
19 your name.

20 UNIDENTIFIED SPEAKER: Is this James  
21 Carter of the Carter Baker Commission?

22 CHAIRMAN SMITH: No, it is not.

23 MR. CARTER: Thank goodness.

24 UNIDENTIFIED SPEAKER: I thought we had an  
25 authoritative source.



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1 CHAIRMAN SMITH: I didn't even pick up on  
2 that.

3 UNIDENTIFIED SPEAKER: Are you willing to  
4 stand in as an authoritative source?

5 MR. CARTER: I'm going to avoid that by  
6 the plague.

7 CHAIRMAN SMITH: Please state your name  
8 and who you represent.

9 MR. CARTER: James Carter. I represent  
10 the Republican party of Bell County, specifically as the  
11 person designated to perform the cleaning of election  
12 judges and clerks under Section 32.113. And then  
13 additionally as myself in the capacity of an election  
14 judge, and I've operated in that capacity since 1990.

15 The Texas election laws direct that each  
16 party's political county executive committee provide the  
17 training for the election officers administering the  
18 elections under your election code. Part of that  
19 education -- and the training is provided, the substance  
20 is based on the Secretary of State's training materials.  
21 Part of that is notifying the election personnel that  
22 they swear and must protect the integrity and the purity  
23 of the election. They take that oath very seriously.  
24 They do it to the best of their ability.

25 What you're looking at is a set of



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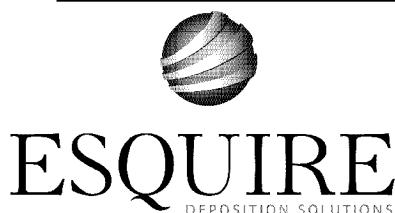
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1        election workers that may perform this duty once, twice,  
 2        maybe three times every two years. In that span of time  
 3        your legislation or legislative actions have changed.  
 4        So they have to understand what changes are now in  
 5        effect. On election day, they're going to process  
 6        between 30 and 50 percent of the eligible voters in  
 7        their precinct. The others either have not chosen to  
 8        vote or have voted early. That is a lot of people in a  
 9        very short period of time for a person that has a very  
 10      short exposure to training in the election law.

11            Most of the tools that they have right now  
 12      are effective. The one essential element they have not  
 13      got is to identify the person presenting themselves to  
 14      vote as the person they represent themselves to be  
 15      correlated with the name on the precinct list. Your  
 16      present voter card correlates the precinct and the  
 17      residence address which is based upon the apportionment  
 18      of the overlays of the elected offices on the ballot.

19            In Bell County for a normal election, we  
 20      have 13 formats. If you add special elections,  
 21      overlaying that with school, water district, whatever,  
 22      then they must have still a separate ballot within that  
 23      same precinct. You're requiring the election voters to  
 24      do an awful lot. One of the problems that they have is  
 25      making sure that that person gets the proper ballot,



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1 proper format, in order to cast a legitimate vote.

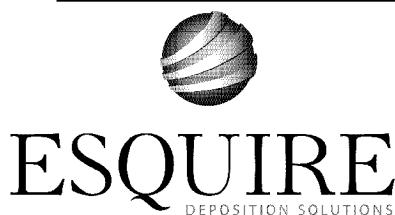
2 We need this bill. We need the photo ID  
3 for it. I'm out of time. I didn't get a chance to talk  
4 about anything. What we don't need is proxy votes. We  
5 do need people picking up different registration cards  
6 using one in early voting in one location, early voting  
7 in another location and for however many early voting  
8 locations you have in Bell County, we have six and then  
9 on election day coming in with the seventh. Each would  
10 have different addresses, but the signature would align  
11 with the name and without a photo ID. How do you  
12 determine that person is whom they represent to you?  
13 I'm sorry for going over time.

14 CHAIRMAN SMITH: That's all right. You're  
15 good. Representative Heflin?

16 MR. CARTER: Say again?

17 CHAIRMAN SMITH: No. I was just saying  
18 you are not alone in going over, so we're not going to  
19 give you a hard time about it. Representative Heflin?

20 REPRESENTATIVE HEFLIN: Mr. Carter, one of  
21 the things that I'm so enjoying about the testimony  
22 we've heard in the last two days, it's been such a  
23 wonderful educational process, and I often hear these,  
24 wow, I didn't even think of that, but you hit it on the  
25 head when you said, you know, if you got different



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1 hospital districts, water district, all these different  
2 elections, and I know in some of my counties people are  
3 running all over town trying to vote and that's a real  
4 critical issue that you bring up.

5 MR. CARTER: I would like to expand on  
6 that just a moment.

7 REPRESENTATIVE HEFLIN: Please.

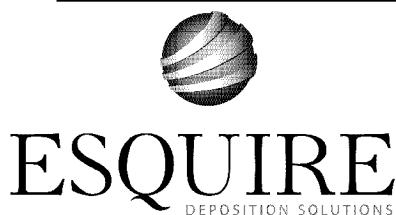
8 MR. CARTER: At your early voting  
9 locations, each location must have the ballot format for  
10 every category of voter in the county. In our case, we  
11 use a paper ballot with a precinct tabulation unit which  
12 automatically counts that. In early voting, our county  
13 has computers which are tied in, wired in to the county  
14 database. Two completely different reporting systems.  
15 And what I'm addressing in my testimony is confined to  
16 election day effort by the election orders.

17 REPRESENTATIVE HEFLIN: Thank you for the  
18 information.

19 CHAIRMAN SMITH: Questions, members?  
20 Representative Bonnen?

21 REPRESENTATIVE BONNEN: You all aren't  
22 doing -- You all aren't using the electronic voting  
23 machines at this point?

24 MR. CARTER: No, sir. We -- We have a  
25 paper ballot based system which causes us to have to



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1 estimate how many ballots need to be printed for each  
2 format. Boy, that's a crystal ball operation.

3 REPRESENTATIVE BONNEN: Are you having --  
4 are you having to transition -- I mean, do you have  
5 electronic voting machines on the horizon or --

6 MR. CARTER: No. Our county commissioners  
7 chose to get the paper ballot and the precinct level  
8 tabulation to provide a ballot trail in the event of a  
9 recount.

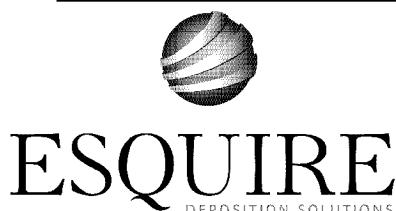
10 REPRESENTATIVE BONNEN: Okay.

11 MR. CARTER: And that has worked very  
12 well. In fact, we had a -- in the last general  
13 election, we were inspected in several precincts by  
14 representatives of the Secretary of State's office and  
15 they found no procedure lures.

16 REPRESENTATIVE BONNEN: Very good.

17 MR. CARTER: Our training in Bell County  
18 is working well, but we need to be able to identify the  
19 voter with the person on the list. Yes, sir?

20 REPRESENTATIVE BONNEN: If we're not here  
21 all night, next week I think I'm going to Bell County  
22 with my local emergency management and commissioners to  
23 thank you all for the phenomenal job you did in helping  
24 our evacuees during Hurricane Ike. Bell County couldn't  
25 have been more welcoming and more decent to the folks



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1 that -- that took shelter there.

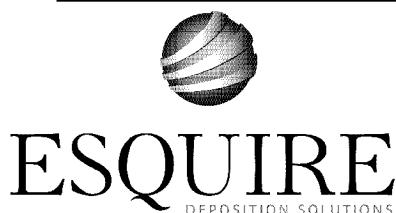
2 MR. CARTER: I'll pass on your  
3 appreciation to the appropriate folks.

4 CHAIRMAN SMITH: Have you seen any  
5 suspicious activity yourself?

6 MR. CARTER: Yes, sir, I have.

7 CHAIRMAN SMITH: Can you describe what  
8 you've seen?

9 MR. CARTER: The most recent two  
10 incidences, the first one -- and I was working as  
11 election judge with trying to keep the ballot signatures  
12 stamped and furnished, the documentation flowing to my  
13 clerks. One of my clerks called to my attention an  
14 individual in unique clothing stood out like a -- like a  
15 sore thumb. I had noticed him coming through the  
16 Republican primary, voted. Approximately 40 minutes  
17 later, time is just kind of nebulous there, she called  
18 and she said see that guy? Hey, look at that. He's  
19 putting a Democrat ballot into the tabulation machine.  
20 So that individual voted in the primary of the Democrat  
21 party and the Republican party. With whose party he's  
22 associated, I have not any idea, nor do I know what kind  
23 of documentation he presented because it was -- we're  
24 not keeping track of that. If they qualify to vote,  
25 they get the ballot, move on -- move the people through



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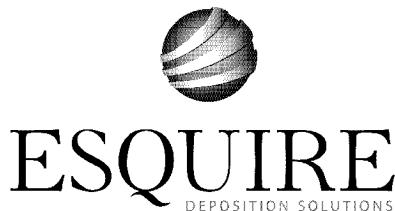
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1 as quickly as possible. The Democrats did the same  
 2 thing. With the voter picture -- I mean a voter photo  
 3 on the identification, that would have stopped that.  
 4 One would have been accepted. The other would have been  
 5 rejected.

6                   The second was an individual who came in  
 7 demanding that he be given the right to vote. The  
 8 clerks tried to find his name on the precinct list. It  
 9 was not there. They -- They called and tried to verify  
 10 it with the election voter registrar's office, and lo  
 11 and behold, no, we haven't got him in that precinct.  
 12 We've got him in a different precinct in the county, at  
 13 which time he was becoming irate demanding his name be  
 14 found on the precinct list. I was called in to  
 15 intervene. And he said I know my name's there. I'm  
 16 supposed to vote in this precinct. And I investigated  
 17 further and found out, well, from the voter registrar,  
 18 we've got an indication that you voted in this precinct  
 19 over here. Oh, that's right. I've already cast my  
 20 ballot. I was trying to vote here also.

21                   Now, that was an intentional attempt to  
 22 double vote. If -- If the clerks had not been doing  
 23 what they should have done, they would have given a  
 24 provisional ballot and would that have counted, meaning,  
 25 a double vote? I have no idea. It should not have.



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1       But the point is the clerks did their job. They  
 2       filtered that person, found out that, yes, he had  
 3       qualified and voted elsewhere, but they stopped the  
 4       subsequent attempt. Those are the two I have personal  
 5       knowledge of.

6                     CHAIRMAN SMITH: Thank you. Any other  
 7       questions, members of the committee? Thank you very  
 8       much for taking the time to come. Thank you for staying  
 9       so late with us.

10                  REPRESENTATIVE BROWN: Thank you for  
 11      taking time to train your clerks so well too.

12                  MR. CARTER: You know, let me address  
 13      that. That requirement is in the election code. It is  
 14      not stressed sufficiently, and that is where a lot of  
 15      problems start. The parties are required -- the words  
 16      used are shall provide the training. The county clerk  
 17      may provide the training. That pertains to the  
 18      primaries which are party peculiar. In a general  
 19      election or in other types of elections, the appropriate  
 20      election authority provides the training, county clerk,  
 21      city clerk, election administrator, whatever the  
 22      appropriate term is, but if you emphasize the training,  
 23      you are going to solve a lot of the problems.

24                  CHAIRMAN SMITH: Thank you, sir, very  
 25      much. Is Robert Stewart still with us by chance?



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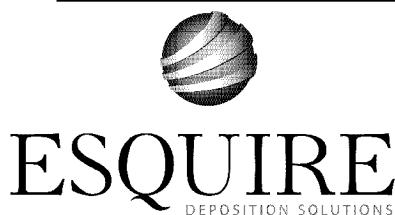
1 Robert Stewart? You are not Robert Stewart, I don't  
2 think, are you? Okay. I know Estelle Teague, and I  
3 don't see her. Are you still here, Estelle? She's not  
4 here, so I'm going to show her as --

5 UNIDENTIFIED SPEAKER: Let's wait and see  
6 if she comes in.

7 CHAIRMAN SMITH: -- as being neutral and  
8 not testifying on the bill. She's just so excited in  
9 anticipation of our version that she decided to be  
10 neutral on the Senate Bill. I think that's what it must  
11 have been, what it was. And let me just -- I want to  
12 state that last witness, I think some of us have been --  
13 we haven't asked every witness, and we are particularly  
14 interested in there's been a lot of debate and  
15 discussion about the extent to which this bill would  
16 alter voter turnout on the one hand and the extent to  
17 which there is evidence of voter impersonation on the  
18 other hand, and so those are the issues as much as  
19 anything else that we're interested in.

20 So any of you who have any personal  
21 experience or testimony regarding either of those  
22 issues, we want to make sure we hear from you on those  
23 subjects. So please don't disappoint us.

24 Christopher Bilardi? Who is -- Is he  
25 still here? I'm going to show him as against and not



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1           testifying.

2                     Amy Clark? Amy Clark is here. You're  
3                   going to testify on behalf of yourself in favor of 362;  
4                   is that correct?

5                     MS. CLARK: Yes, sir.

6                     CHAIRMAN SMITH: Please state your name  
7                   and who you represent.

8                     MS. CLARK: Good evening. I'm Amy Clark.  
9                   I'm representing myself. I'm from Wilson County outside  
10                  of Floresville, and thank you for your attentiveness to  
11                  everybody that's speaking. I know sometimes we all just  
12                  have a desire to be heard and tonight is no different,  
13                  but thank you very much for -- for that and the  
14                  insightful questions.

15                  I have no doubt that in 3 minutes I could  
16                  in any way improve upon the reams of pertinent  
17                  information that have already been presented to you in  
18                  the last three days now on behalf of this bill, but I  
19                  did want to come before you tonight simply to register  
20                  my support in favor of the bill and to echo the many  
21                  voices across my community who want our  
22                  representatives -- who want you all in Austin to pass  
23                  what we consider back on the home front as common sense  
24                  legislation and back on the home front in little town  
25                  Texas, that's what this bill is seemed to be.



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1                   I wholeheartedly affirm the earlier idea  
 2 that was expressed that we do not want to in any way  
 3 suppress voter turnout, but instead to increase  
 4 legitimate voter turnout, and I believe this bill would  
 5 accomplish just that.

6                   The Senate Bill 362 would be a positive  
 7 effort to close the loophole of potential voter fraud,  
 8 and it has the added benefit of demonstrating to the  
 9 voters of Texas that an effort is being made to ensure  
 10 fair and honest elections should further efforts be made  
 11 absolutely, especially in the avenues as we've heard  
 12 before of mail-in ballots and voter registration.  
 13 Absolutely. But this represents a very good start.

14                  The very perception of voter fraud in our  
 15 community works to increase general sense of  
 16 disillusionment, and it's been suggested that people  
 17 might stay home from an election in fear of the  
 18 crackdown on voter fraud or a change in the process, but  
 19 I submit to you this. What about the folks that stay  
 20 home because they don't believe in the system, that the  
 21 system is broken, that their vote doesn't count and then  
 22 everything is crooked? I think that that distrust is  
 23 real, it's tangible and it runs very deep. And I see it  
 24 as a problem that you have the opportunity to fix here  
 25 with this bill.



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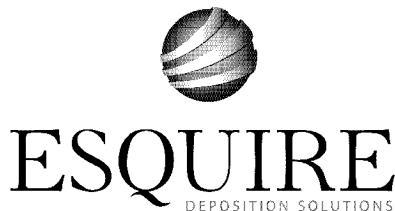
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1                   As it was suggested earlier by the  
 2 committee, we are all in this room unified in our desire  
 3 to fight voter fraud. Nobody wants voter fraud, and I'm  
 4 sure we are also unified in agreement that the right to  
 5 vote a right of this importance carries with it an  
 6 inherent and unique responsibility, and I think that  
 7 that is something that has gotten lost in some of the  
 8 discussions as the hours go on. It is all right to  
 9 vote. It also carries our responsibility, and I think  
 10 that this bill affirms that notion.

11                  Members of this committee, I respectfully  
 12 ask you to let the people of Texas know that you're  
 13 serious about the integrity of our elections by passing  
 14 this bill. Senate Bill 362 represents a simple, a  
 15 common sense measure working to eliminate one specific  
 16 avenue of potential fraud and strengthen our election  
 17 system. Is it the most perfect and all encompassing  
 18 bill? Absolutely not. But it is a first step and it's  
 19 a positive step in the right direction.

20                  I ask you genuinely to consider this bill  
 21 to restore confidence in the system to take this step to  
 22 further secure our elections, and please consider it in  
 23 the light of common sense and personal responsibility.  
 24 Thank you.

25                  CHAIRMAN SMITH: Any questions of



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1 Ms. Clark, members? No questions? Thank you very much  
2 for coming.

3 MS. CLARK: Thank you.

4 CHAIRMAN SMITH: At this time the chair  
5 calls Marsha Correira -- Correira -- I'm messing that  
6 up -- on behalf of yourself against Senate Bill 362.

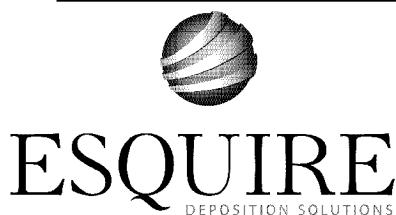
7 MS. CORREIRA: Yes.

8 CHAIRMAN SMITH: Please state your name  
9 and who you represent.

10 MS. CORREIRA: I'm Marsha Correira. I  
11 represent myself. I'm from Bastrop County. I grew up  
12 between Wylie and seven points. Let me get my glasses  
13 on. I have several points to make, and this is going to  
14 be kind of disjointed because I have a lot to say, but I  
15 don't have a lot of time to do it.

16 We heard reports today and this evening of  
17 massive voter fraud in Texas associated with mail-in  
18 ballots, ballots being taken out of mailboxes, for  
19 instance. This bill doesn't address mail-in ballots at  
20 all and shouldn't even be discussed in those terms.

21 Also, just because you're in the same  
22 county during an election doesn't mean you're able to go  
23 and vote. I voted with a mail-in ballot last fall  
24 because I was just two weeks out of the hospital and  
25 couldn't travel. My big travel was from the bedroom to



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1       the living room, and if a crook could steal a mail-in  
 2       ballot, they could also steal a bank statement and  
 3       utility bill, even the voter registration certificate  
 4       itself, even IDs are sent by US mail.

5                   Provisional ballots. Provisional ballots  
 6       in general are to be counted. It happened in my own  
 7       precinct. To be required to drive to the county seat to  
 8       present ID to the elections administrator within 10 days  
 9       is a barrier to voting, and there's nothing in this bill  
 10      which mentions the 10-day deadline, nor in any way  
 11      curing the defect.

12                  People work. They'd have to take off  
 13      work. Transportation could be an issue, and they would  
 14      be disenfranchised, many of them, after voting for many  
 15      years or even decades. The bill's fiscal notes  
 16      indicates \$2 million in state money would be spent next  
 17      year to implement this scheme, and the cost of the free  
 18      photo ID from DPS for the sole purpose of voting was not  
 19      included in the fiscal notes.

20                  There are Texans who are qualified to  
 21      vote, but lack resources for the proof of identity.  
 22      Supreme court spoke to that. They said, well, their fee  
 23      paying has no relation to voting qualifications. The  
 24      right to vote is too fundamental, burdened or  
 25      conditioned. The bill specifically states "the fee for



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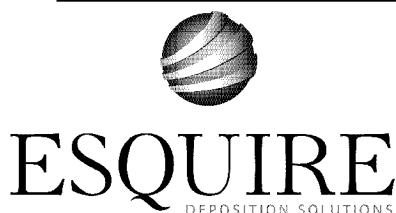
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1 personal identification certificate is \$15." There's  
2 also a fee for birth certificate to obtain that ID. In  
3 the same Supreme Court case, the court held we  
4 conclude -- "We conclude that a state violates the equal  
5 protection clause of the 14th Amendment whenever it  
6 makes the affluence of the voter or payment of any fee  
7 an electoral standard. Voter qualifications have no  
8 relation to wealth, nor to paying this or any other  
9 tax." And this is a poll tax and that's what they were  
10 speaking to in 1966. This is long settled. May I  
11 continue as others did?

12 CHAIRMAN SMITH: I'll give you a little  
13 bit, yeah.

14 MS. CORREIRA: Okay. Any purchase of any  
15 service or document or the establishment of any account  
16 or the maintenance or renewal thereof is a poll tax,  
17 outlawed by the 24th Amendment to our US Constitution  
18 and then followed up when Texas, Virginia, South  
19 Carolina and a few other states continued to charge the  
20 poll tax in spite of the constitutional amendment.

21 The non-photo ID option seems reasonable  
22 now, but you wait two years, four years, six years, then  
23 there will be another partisan piece of legislation  
24 outlawing the non-photo IDs. People of means probably  
25 can't identify with people who are not financially well



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1 off. When I was young, I couldn't register to vote. I  
2 could have registered to vote, but I had my priorities,  
3 and one of them it was having dinner on the table for my  
4 daughter. There was a poll tax when I was young, and I  
5 was poor. I was part of the working poor. My daughter  
6 and I always had one thing for dinner. That was all we  
7 could afford. Usually something like a 49 cent box of  
8 frozen brussel sprouts. 1.50 was a lot of money, and  
9 there are voters today who don't have money for a birth  
10 certificate.

11 You want to know the voter fraud in my  
12 precinct? Republicans voting in the Democratic primary  
13 last clear and casting a ballot that says I'm a  
14 Democrat, that's the fraud in my precinct. We don't  
15 have a problem with Voter ID.

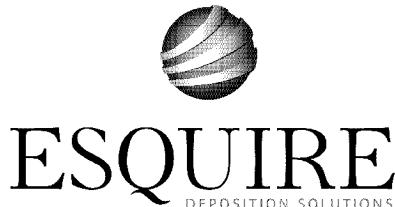
16 CHAIRMAN SMITH: You understand that  
17 Republicans can vote in Democratic primaries in Texas as  
18 long as they do not also vote in a Republican primary?

19 MS. CORREIRA: Yeah, I understand that.

20 CHAIRMAN SMITH: Vice versa.

21 MS. CORREIRA: But when you cast that  
22 ballot, it says I am a Democrat, okay? That's an  
23 outright lie, and every Republican that voted in a  
24 Democratic primary last year, big bunch of liars.

25 CHAIRMAN SMITH: I guess we could be a



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1 Democrat for a day in this.

2 MS. CORREIRA: Yeah. I heard that -- I  
3 heard that from somebody already.

4 CHAIRMAN SMITH: You mentioned earlier  
5 that while there might be voter registration cards that  
6 are floating around out there that create potential for  
7 fraud, that there also --

8 MS. CORREIRA: Did I say that?

9 CHAIRMAN SMITH: Well, you -- you said  
10 something about prior testimony to that effect and then  
11 you said your point was there are also --

12 MS. CORREIRA: Oh, okay.

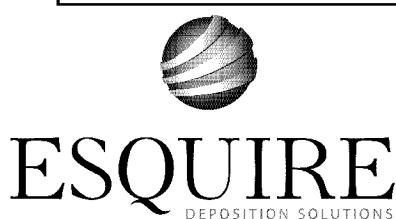
13 CHAIRMAN SMITH: There are also driver's  
14 licenses that are mailed by regular mail to people as  
15 well, and those are floating around out there as well to  
16 the extent that they end up going to the incorrect  
17 address.

18 MS. CORREIRA: No, I didn't say anything  
19 about floating around.

20 CHAIRMAN SMITH: Okay.

21 MS. CORREIRA: What I said is that  
22 somebody could take them out of the mailbox.

23 CHAIRMAN SMITH: Right. Right. And if  
24 they did that, if somebody took them out of the mailbox,  
25 you understand why there's less of a risk with regard to



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1 that photo ID for the purposes we're talking about here  
2 of it being used simply because it has on it a photo of  
3 another human being that is not you. That -- That's  
4 sort of the distinction that's being made in the senate  
5 between a photo ID on the one hand where that's -- you  
6 really can't take that and use it to vote because it has  
7 a picture of somebody else on it --

8 MS. CORREIRA: Yeah.

9 CHAIRMAN SMITH: -- and a voter  
10 registration card which does not.

11 MS. CORREIRA: Yeah.

12 CHAIRMAN SMITH: And so any -- any -- any  
13 questions, members?

14 MS. CORREIRA: But my bank statement  
15 doesn't have my picture, my utility bill doesn't have my  
16 picture, and if it's not a photo ID, it doesn't prove  
17 squat. It doesn't.

18 CHAIRMAN SMITH: Well, you may be arguing  
19 that the Senate Bill is too weak, and I've got some  
20 Republican friends that would make that very argument.

21 MS. CORREIRA: What I'm saying is if it's  
22 not photo ID, it's not photo ID, you know, and non-photo  
23 ID is non-photo ID and doesn't prove anything.

24 CHAIRMAN SMITH: Any other questions,  
25 members? Thank you for staying late and testifying.



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1 MS. CORREIRA: My pleasure. Thank you.

2 CHAIRMAN SMITH: Gloria Deverick? There  
3 you are. You are going to speak in favor of Senate Bill  
4 362 on behalf of yourself; is that correct?

5 MS. DEVERICK: Well, to a certain extent  
6 in my -- and my father's dead, but I'm speaking up for  
7 my father too.

8 CHAIRMAN SMITH: Okay. Can you give me  
9 your name and who you are speaking on behalf of?

10 MS. DEVERICK: Myself.

11 CHAIRMAN SMITH: What's your name?

12 MS. DEVERICK: I'm the only one that --  
13 that's left.

14 CHAIRMAN SMITH: Okay.

15 MS. DEVERICK: My name is Gloria Deverick.

16 CHAIRMAN SMITH: Okay. Thank you.

17 Proceed.

18 MS. DEVERICK: My father and my uncle  
19 founded LULAC.

20 CHAIRMAN SMITH: LULAC?

21 MS. DEVERICK: Yes.

22 CHAIRMAN SMITH: Okay.

23 MS. DEVERICK: And you've had all these  
24 LULACers over here who are just corrupt as they can be.  
25 My father is possibly a tornado in his grave, and so is

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1       his brother. My -- I'm the only one left in the family  
 2       that will stand up. My cousin, Ben Garza, died last  
 3       year, but he would not stand up. He didn't like what  
 4       LULAC was doing, but he had been a justice of the peace  
 5       and he had family, and I think that he felt that LULAC  
 6       would -- that he'd lose his job. His son is a banker.  
 7       His daughter is in health care. But he wouldn't speak  
 8       up, and so I knew that he was disappointed, but -- and  
 9       he was justice of the peace.

10           I have a cousin in Corpus Christi that's a  
 11       county commissioner. I've gotten on her case for being  
 12       rude. And you were talking about Hidalgo. She -- What  
 13       she did was the same thing. We -- There was a man  
 14       there, Heldenfels his name is. They were the ones that  
 15       built the streets from the very beginning in Corpus  
 16       Christi, and so they and this man was pretty outspoken,  
 17       and so she -- she -- he came in and he was complaining  
 18       about the sewers, and they had done something there at  
 19       Delmar, and it's -- he was complaining that it was -- it  
 20       was a terrible job, but he says the job that was done  
 21       there, it looks like it was done -- and he couldn't  
 22       pronounce the name Barrera (phonetic). He said barrio,  
 23       and my cousin walked out and took all the Hispanics on  
 24       the council with her.

25           So but my father never -- when -- see,



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1       we -- It's League of United Latin American Citizens, of  
 2       the citizens. Latin American. He came here. He was  
 3       honored by the State of Texas by the senate and the  
 4       legislature. And in 1971, who betrayed him? Carlos Tua  
 5       (phnetic) who he mentored. He tried to smear me  
 6       because I became a Republican in Baltimore, Maryland. I  
 7       was managing public housing over there. I had been  
 8       trained in a white housing project, and then they sent  
 9       me to a black one, and I was the only white woman  
 10      probably in a mile square, and my staff was black.

11           And so there's so much fraud in everything  
 12       including public housing, but the thing that I'm trying  
 13       to say is that it had to be citizens. His youngest  
 14       sister and her family were migrants. My father, on the  
 15       other hand, was pushing and pushing and pushing that  
 16       they had to go to school, that they had to go learn  
 17       everything, and thank God they taught civics and  
 18       history -- Texas history and US history at that time,  
 19       but the teachers union was communist. It was originated  
 20       by communists. The Raza Unida and LULAC and the  
 21       American GI Forum, there's a lot of envy in stuff like  
 22       that among Hispanics, particularly those that are called  
 23       Mexican Americans. There's envy and jealousy and just  
 24       all kinds of things like that.

25           And so the -- the thing that he fought



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1 hard to be called Latin American because our ancestors  
2 are from Spain, and so the -- so he didn't say Mexican  
3 American. He didn't say -- It was American GI for  
4 (inaudible) that did this. You've got a congressman in  
5 Corpus -- from Corpus Christi whose father is state  
6 senator. This is what he did. You talk about voter  
7 fraud and stuff like that.

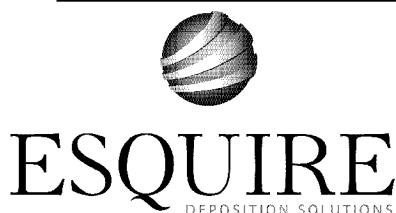
8 I was also a Republican. I've been a  
9 Republican since 1962.

10 CHAIRMAN SMITH: Ms. Deverick, the time  
11 has more than expired. If you might wrap it up?

12 MS. DEVERICK: Well, if you want to ask  
13 questions. I have seen the voter fraud. I believe that  
14 the thing that you need to do is, like you said, take  
15 pictures at the voting booth because when I was election  
16 judge, they put me -- since I could speak Spanish and it  
17 was a blank in a Hispanic area and I was overwhelmed as  
18 an election judge because they come with all their  
19 children, the Hispanics, not the blacks. They come with  
20 all their children. You know that the blacks are going  
21 to vote democratic. That's all right, but the same goes  
22 for LULACers now.

23 CHAIRMAN SMITH: I'm going to have to  
24 limit the testimony.

25 MS. DEVERICK: That's fine. But I -- I --



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1 can -- Can I leave my phone number and any time that --  
2 I can tell you a lot more, but the Raza Unida and LULAC  
3 and the American GI Forum are as corrupt as they can be,  
4 and the Raza is communist. LULAC is into power.

5 CHAIRMAN SMITH: Okay. We have your  
6 telephone number, and so any witness that wishes to  
7 contact you could do so. Are there any questions for  
8 this witness, members? Thank you. Thank you very much  
9 for coming.

10 MS. DEVERICK: Oh, by the way, I came on  
11 the metro, and I -- somebody may have to give me a ride.  
12 I don't know how to get home.

13 CHAIRMAN SMITH: I'm afraid it's going to  
14 be very late for us to be able to give you a ride.

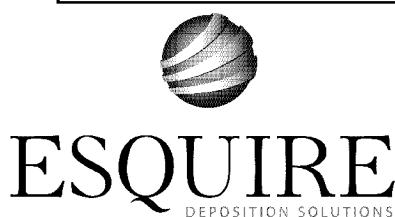
15 MS. DEVERICK: Well, no, I'll keep  
16 hollering if I have to walk.

17 CHAIRMAN SMITH: I recommend that former  
18 Representative Carolyn Galloway do it. She's right back  
19 there. Got a red shirt on.

20 At this time the chair calls -- it says  
21 Courage John, but I imagine that's John Courage.

22 UNIDENTIFIED SPEAKER: John just left.

23 CHAIRMAN SMITH: Okay. Not going to  
24 testify, shown against Senate Bill 362 on behalf of  
25 Common Cause of Texas.



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1                   UNIDENTIFIED SPEAKER: Mr. Chair, we  
2 should make sure that she gets a ride home. I mean,  
3 seriously, if she wants to wait around, we can have a  
4 staff --

5                   CHAIRMAN SMITH: We got a volunteer.

6                   UNIDENTIFIED SPEAKER: We got somebody?

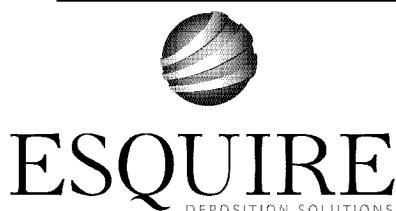
7                   CHAIRMAN SMITH: Skipper Wallace to the  
8 rescue. Shirley Lindsey? Don't see any movements, so  
9 I'm showing Shirley as not testifying, but being in  
10 favor of Senate Bill 362. Move quickly.

11                  Robert Green? Don't see anybody moving,  
12 so we're going to show him as not testifying, but he  
13 will be shown in favor of Senate Bill 362.

14                  Helen Carvell is here speaking on behalf  
15 of herself and against Senate Bill 362. Please state  
16 your name and who you represent.

17                  MS. CARVELL: I'm Helen Katherine Carvell,  
18 and I represent myself, and I thank you for the  
19 opportunity to speak with you at this late hour, and  
20 thank you all for coming. As someone else has  
21 previously mentioned, the tone has been very cooperative  
22 and collaborative, and I appreciate that.

23                  I'd like to discuss with you this problem  
24 in terms of the election judge. As a nurse, I have  
25 watched people go through various and sundry diseases.



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1 If you were -- If you had a wasting disease, a  
2 diagnosis, you would be suffering extreme weight loss.  
3 With treatment, you would have extreme weight gain,  
4 chemotherapy, the natural aging process, and one of our  
5 ways we've entertained ourselves while here is trying to  
6 compare all of you with your pick your pictures, and I  
7 might say -- I might say -- I might say --

8 CHAIRMAN SMITH: Be careful.

9 MS. CARVELL: No. I just might say you  
10 don't all look like your pictures. Now, as the person  
11 who's worked an election, do I sit here and say is that  
12 really you, Aaron Pena, or is that your brother or your  
13 dad because you aren't gray in that photo. That's the  
14 only difference, but the rest of you I might not  
15 recognize at all. At least I recognize him.

16 I have a passport that -- that -- You may  
17 not know that passports are valid for 10 years. I would  
18 guarantee my passport from nine years ago doesn't look  
19 like me today. Is that my job now as the election -- am  
20 I the judge and jury? In addition to saying have you  
21 moved since the last election, is this your current  
22 address? Look at the voter registration. Give them the  
23 right ballot. Am I also supposed to say, oh, let me see  
24 the picture? Oh, yeah, that looks just like you. I  
25 think not.



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1                   Furthermore, what I've heard today, which  
 2 I didn't realize, and how much corruption there is in  
 3 the election system in Texas. What I haven't heard is  
 4 any evidence that the system is not working in terms of  
 5 Voter ID. The man who is up from Bell County gave you a  
 6 perfect example. Somebody tried it. It didn't succeed,  
 7 but I also heard about problems in the valley where the  
 8 voting clerks and judges are intimidating. This just  
 9 gives them a gun. Why are we doing that? Why are we  
 10 making it easier for the corrupt to disenfranchise our  
 11 voters? This is especially true in the minority  
 12 community.

13                  I used to work in Detroit, Michigan, and  
 14 someone once said to me, oh, I've never taken a driver's  
 15 test. I said how did you get a license? I sent my  
 16 cousin. You know, down south, they think all those  
 17 black people look alike. I mean, this to me is an  
 18 outrage. If we disenfranchise our minority community,  
 19 what's the purpose of any of us going to the polls? And  
 20 if you don't think the lines are going to be long while  
 21 we look at all the IDs and if that isn't going to  
 22 disincline the mothers, the working poor, to get in line  
 23 or take a day off to vote, I think you're sadly  
 24 mistaken, and I will be terribly disappointed if this  
 25 Voter ID passes.



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1 CHAIRMAN SMITH: Any questions, members?

2 Thank you. Representative Anchia?

3 REPRESENTATIVE ANCHIA: Do I look like my  
4 photograph? Kind of? Sort of? All right.

5 MS. CARVELL: No, no.

6 REPRESENTATIVE ANCHIA: I'll work on that.

7 MS. CARVELL: You all look -- Some of you  
8 even look much cuter in your photographs. It wasn't --

9 UNIDENTIFIED SPEAKER: Which ones? We  
10 want to know.

11 MS. CARVELL: But I'm not going to say  
12 which ones.

13 UNIDENTIFIED SPEAKER: Are you guys  
14 finished?

15 UNIDENTIFIED SPEAKER: No. We want to  
16 know which ones.

17 MS. CARVELL: When this thing goes down,  
18 I'll come back and tell you, okay?

19 CHAIRMAN SMITH: Thank you. 20ish. Yes,  
20 ma'am.

21 MS. JOHNSON: Mr. Chairman --

22 CHAIRMAN SMITH: Yes, ma'am.

23 MS. JOHNSON: I'm becoming physically ill,  
24 and I have --

25 CHAIRMAN SMITH: What's your name?



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1 MS. JOHNSON: My name is Brenda Johnson.

2 Can I just give you -- mine is really --

3 CHAIRMAN SMITH: Would you like to testify  
4 right now? Brenda Johnson, you filled out a form?

5 MS. JOHNSON: Yes.

6 CHAIRMAN SMITH: Okay. We'll find it.

7 Give us a minute.

8 UNIDENTIFIED SPEAKER: Would you like  
9 anything to drink, Ms. Johnson? Do you need something  
10 to drink? Water?

11 UNIDENTIFIED SPEAKER: Yes, she probably  
12 does.

13 UNIDENTIFIED SPEAKER: Okay.

14 CHAIRMAN SMITH: If anybody else is  
15 suffering under the same circumstances, I do believe  
16 there are water fountains outside, and if that's not the  
17 case, we can certainly make provisions. We'll send  
18 Skipper Wallace to 7-Eleven. Please state your name for  
19 the record and who you represent.

20 MS. JOHNSON: My name is Brenda Johnson.  
21 I'm representing myself. I'm from San Antonio, from  
22 Bexar County.

23 CHAIRMAN SMITH: And you're here to  
24 testify against Senate Bill 362; is that correct?

25 MS. JOHNSON: Yes, I am.



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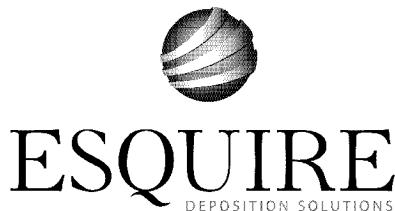
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1                   CHAIRMAN SMITH: Okay. Please proceed.  
 2                   MS. JOHNSON: Okay. I am one of those  
 3 voters -- I am 55 years old. I have never had a  
 4 driver's license. I spent \$160 to come here in a taxi  
 5 tonight to testify because that's how strongly I feel  
 6 against Senate Bill 362. If you really want a photo ID  
 7 to ensure the voter before the polling official is the  
 8 registered voter, the ID would need to reflect the  
 9 correct name of the registered voter, reflect an address  
 10 corresponding to that precinct and that of the  
 11 registered voter and the picture of the ID would need to  
 12 match the physical characteristics of the person before  
 13 the polling official.

14                  If you've moved, got married or divorced  
 15 and went back to your maiden name, colored or cut your  
 16 hair, forgot you're wearing those blue contact lenses or  
 17 lost considerable weight, you could be a problem, and I  
 18 suggest that you look at Madeline Dewar's driver's  
 19 license if you want some verification of that. You  
 20 won't recognize it.

21                  Since these Voter IDs would be required by  
 22 state law and not proof of an earned and paid for  
 23 privilege, the State would have to bear the cost. Since  
 24 driving is a privilege being like me choose to forgo,  
 25 Voter IDs need to be issued by the agency for which they



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1       are to be used, i.e., the Secretary of State through  
 2       election offices, not the DMV. That means installing  
 3       the equipment and personnel in these offices to meet the  
 4       considerable demands such a measure would bring. The  
 5       IDs would have to have a distinguishing feature making  
 6       them difficult to counterfeit.

7               Let's not forget the additional training  
 8       of volunteer poll workers like me in the proper  
 9       detection of fraudulent IDs, and I -- I forgot to  
 10      mention that I wanted to start off by saying that if the  
 11      risk of disfranchisement doesn't sway folks, let's talk  
 12      dollars and cents, and I want to know where the impact  
 13      statements or costs of this bill are. Since there's a  
 14      lot of evidence, these kind of measures constitute voter  
 15      disenfranchisement, you can expect the state to spend a  
 16      lot of money in court win or lose. So those are all  
 17      costs that we've got to consider.

18               We've got a million problems in this  
 19       state, and no state tax fund to draw from to pay for  
 20       them, and this is where Texans want legislators to spend  
 21       their limited time, attention and our tax dollars? This  
 22       citizen does not. I want to believe that proponents of  
 23       this measure are doing this for honorable if misguided  
 24       reasons, thus, my reasons thus far, but I am the  
 25       granddaughter of Mississippi sharecroppers. I was born



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1 the year of Brown versus Board of Education, was 10 when  
2 the Voter Rights Act was signed by Texas's own President  
3 Lyndon Johnson and know the significance of Texas and  
4 Juneteenth. I know about poll taxes and literacy tests.

5 Although I served my country honorably and  
6 am a disabled veteran, I've been the victim of both  
7 blatant and both subtle racism, and I'm sad to see it  
8 expressed almost daily in the nation I love. So I  
9 cannot ignore the elephant in the living room. I'll  
10 leave the rest of my comments for you to read.

11 CHAIRMAN SMITH: Any questions, members,  
12 for Ms. Johnson? Thank you very much.

13 MS. JOHNSON: Thank you.

14 CHAIRMAN SMITH: At this time the chair  
15 calls Brent -- I'm sorry -- Munhofen.

16 MR. MUNHOFEN: Munhofen.

17 CHAIRMAN SMITH: I'm going blind. You  
18 wrote it clearly. Tell me who you represent -- You are  
19 testifying in favor of Senate Bill 362. Give me your  
20 name and who you represent.

21 MR. MUNHOFEN: My name's Brent Munhofen,  
22 and I'm representing the Immigration Reform Coalition of  
23 Texas as well as myself. First of all, I wanted to ask  
24 you a question about this bill just for clarification  
25 purposes. The only thing we're changing over current



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1 law is we're adding one additional piece of alternative  
2 identification, right?

3 CHAIRMAN SMITH: There's some question,  
4 I'll tell you, among the members, and I'm not -- I'm not  
5 entirely sure, but there's some question about whether  
6 or not the standard that the poll worker would use to  
7 look that that identification has changed. I'm not  
8 entirely clear on that. But there may be -- there may  
9 be some legitimacy to that.

10 MR. MUNHOFEN: Okay. I just --

11 CHAIRMAN SMITH: Otherwise, in general,  
12 you're correct.

13 MR. MUNHOFEN: And I just want to point  
14 that out because I've looked through the bills and it  
15 appears to me that that's primarily what's been changed  
16 on it.

17 CHAIRMAN SMITH: I think that's right.

18 MR. MUNHOFEN: So I'm a little confused by  
19 all of the doomsday scenarios about voter  
20 disenfranchisement, the references to the poll tax and  
21 these various different issues. I don't want to  
22 minimize them, but I don't see the relevance of that to  
23 what we're -- what's in SB362. So that being said, we  
24 do support Voter ID. In fact, we support using a  
25 government issued photo ID at the polls to identify the



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1           voters.

2                         And one aspect of the voter irregularities  
 3 or election fraud that's been brought up that's kind of  
 4 a road that's a little less traveled, but in the last  
 5 election there were a number of states where voter  
 6 irregularities were picked up and a number of studies  
 7 have been done. California, Connecticut, Florida,  
 8 Indiana, Mississippi, Rhode Island, New York and  
 9 Tennessee, to name some of them, and if I may, I just  
 10 want to cite a couple of examples.

11                  In Ohio, WHIO-TV in Dayton did an  
 12 investigation in October of last year, and they  
 13 identified 3,856 deceased voters that were still  
 14 registered. Of them, 22 of them managed to vote. Nancy  
 15 Watts of Beaver Creek, Ohio, had been deceased for  
 16 two years, but yet she still managed to vote in the  
 17 March 4th primary. That's one example. There's also  
 18 examples from California and New York, as I indicated.

19                  So the reason I bring these up is it's  
 20 been suggested, and I think even Senator Watson  
 21 suggested that Voter ID is a -- to quote him, "A  
 22 solution looking for a problem." And I think that's a  
 23 little disingenuous in my opinion because with a lot of  
 24 elections being decided by 20 votes or less with  
 25 Representative Brown as an example, I think it's very



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1 important that we ensure the integrity. So, I mean,  
2 it's important to make sure that everyone that's  
3 eligible to vote is allowed to vote. But what's equally  
4 important is knowing that legitimate votes won't be  
5 canceled out by someone that's not eligible. So thank  
6 you for your time.

7 CHAIRMAN SMITH: Thank you. Any  
8 questions? Representative Brown?

9 REPRESENTATIVE BROWN: I don't think so,  
10 but I sure appreciate your staying so late and  
11 testifying.

12 MR. MUNHOFEN: You're welcome.

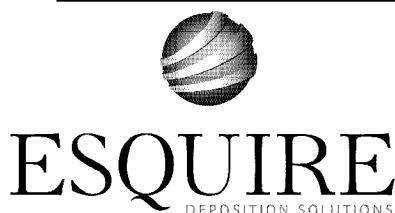
13 CHAIRMAN SMITH: Thank you very much.  
14 Appreciate it.

15 At this time the chair calls Roman Pena?  
16 Front row. Now, you are with LULAC, aren't you? I'm  
17 kind of wondering about you.

18 MR. PENA: Both LULAC and GI Forum, in  
19 which this lady just spoke against us. You know,  
20 she's -- she's the wife of one of the founding LULAC  
21 presidents, and I'm surprised that she has that kind of  
22 attitude.

23 CHAIRMAN SMITH: Okay. Please -- Please  
24 state your name.

25 MR. PENA: My name is Roman Pena.



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1 CHAIRMAN SMITH: Who you represent.

2 MR. PENA: And I represent LULAC of Texas  
3 and myself.

4 CHAIRMAN SMITH: You are testifying  
5 against Senate Bill 362.

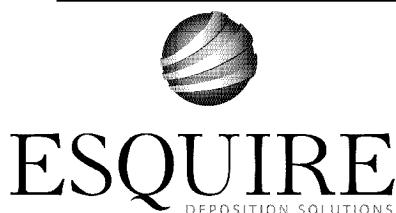
6 MR. PENA: Yes. I'm testifying against  
7 the bill.

8 CHAIRMAN SMITH: Please proceed.

9 MR. PENA: As you have already heard  
10 testimony from our state director, LULAC stands against  
11 this Bill 362 for the reasons that he has stated in his  
12 testimony. I am the chairman of the Texas LULAC  
13 Veterans Affairs Committee, and my reason being here and  
14 why I stayed -- You know, you almost beat me to it. I  
15 almost had to leave, but I says I'm going to wait him  
16 out. I know that your mind thought has already been  
17 made. You're for the bill.

18 CHAIRMAN SMITH: No, no, no, no. We're in  
19 the process of drafting a bill.

20 MR. PENA: I think the way you sound you  
21 are already for it. You know, I got to give you guys,  
22 Republicans, credit for what you did here today. You  
23 brought all your Republican base to give you testimony  
24 and you dressed them in red. So that's -- God ought to  
25 give you a little bit of credit for that -- for



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1 organizing that because you're the chairman of this  
 2 committee. But what I wanted to tell you today, you  
 3 know, is that us Democrats and us did not think that  
 4 this was -- this important of this committee.

5 Therefore, our state Democratic party probably didn't do  
 6 anything to bring the Democrats down here.

7 We as an organization, a civic  
 8 organization of which is LULAC and GI Forum, have -- as  
 9 you know, have fought very hard to can what we have here  
 10 today. You know, what we've got here today has not been  
 11 a privilege like state representative over there. This  
 12 was done by a lot of work and a lot of fights in the  
 13 streets with the various factions of the conservative  
 14 elements of the State of Texas and this country for that  
 15 matter. So it's not something that we are going to take  
 16 lightly.

17 You know, this lady here, one of my senior  
 18 citizens that already left, I wanted them -- I wanted  
 19 for them to stay here that said that last night you  
 20 almost had a little fist fight among yourselves. Well,  
 21 if you recall, you know, if you read history, there was  
 22 a Republican controlled house and state sometime in the  
 23 reconstruction days, and if you recall what happened  
 24 there, you know, that didn't just come out to fist  
 25 fights. It came out to some real heavy effort on the



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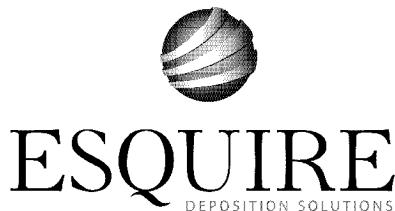
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1 part of both parties to -- and you know what happened  
 2 after that. After that, a hundred years it took before  
 3 the Republicans came back into some kind of power.

4                   Because of the oppression that was being  
 5 put for the citizens at that time and probably the  
 6 oppression was not so much against what you are steering  
 7 in this bill. See, this bill -- the intent of this bill  
 8 as you see it is to -- is to really deter the voters  
 9 that -- that come out in great numbers here in the last  
 10 election. You know, this last election showed us that  
 11 there is a way to get the people out to vote, and -- and  
 12 in order -- and the Democrats did very well, as you  
 13 know. The Republicans did well in Texas.

14                  Well, today, you are trying to just put  
 15 something in the mill as an obstacle to get this  
 16 progression going, and we at LULAC and GI Forum are not  
 17 going to sit by, you know, and just take it in sleight  
 18 and say nothing. It's like our Texas state director  
 19 said earlier, he said that -- that if this bill passes,  
 20 we're not just going to stay silent and not say anything  
 21 about this. This is a direct, you would say, intent by  
 22 very strong forces in Texas to keep control of what you  
 23 have, and it's very sad because you should not fear --  
 24 you should not fear us.

25                  You know, we can be easily divided --



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1       Mr. Smith -- Representative Smith, we can be easily  
 2 divided, let me tell you. You don't have to fear us  
 3 that we are going to take over the State of Texas  
 4 because you know our history. You know we are very  
 5 independent minded. So this thing that you are trying  
 6 to push through is just something of another obstacle,  
 7 another, you would say, barrier to try to keep certain  
 8 citizens from being part of the electoral process, and  
 9 you know who they are because you -- I don't know if you  
 10 heard the senate testimony. We stayed there till  
 11 2 o'clock in the morning. We left because the hearing  
 12 was still going on.

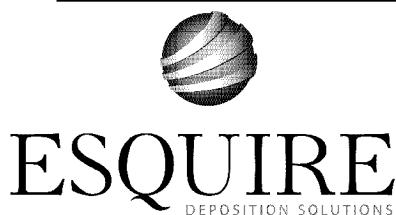
13                  There was great testimony from people like  
 14 we are doing here. There's great testimony. This is  
 15 America and democracy in the making. You know, you hear  
 16 all kinds of opinions, and when you've heard over and  
 17 over that there is no proof anywhere where somebody  
 18 impersonated another voter, there's not one --

19                  CHAIRMAN SMITH: That's not true, but go  
 20 ahead.

21                  MR. PENA: No, but --

22                  CHAIRMAN SMITH: The time is up.

23                  MR. PENA: You haven't heard -- Let me  
 24 just say -- I'm going to share with you a little bit  
 25 that I have experienced. You see, I was a monitor -- a



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1 counter in the elections of not this last one, the  
2 previous one. And you know -- you know where the  
3 biggest fraud is? This is fraud. It's in the mail  
4 ballots.

5 CHAIRMAN SMITH: Everybody understands  
6 that.

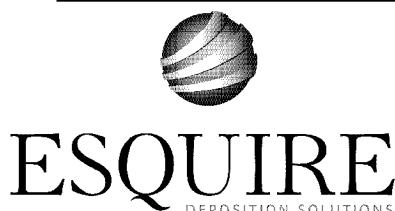
7 MR. PENA: You know where the mail  
8 ballots -- the biggest fraud is? In the military. You  
9 need to examine the military ballot. Let me tell you,  
10 we were the monitors there at the electoral committee  
11 there where we counted all the ballots that were coming  
12 in, all the mail ballots coming in in the early vote.  
13 There was 17,000.

14 CHAIRMAN SMITH: I'm going to have to cut  
15 you off in just a minute, sir.

16 MR. PENA: Well, if somebody would like to  
17 ask me a question, I would be willing to answer the  
18 question.

19 CHAIRMAN SMITH: Sure. Go ahead and  
20 finish your comment, if you want to.

21 MR. PENA: Okay. There were 17,000  
22 ballots that came in from Iraq in a big bag with a  
23 envelope -- white envelope. Do you know that all of  
24 them -- because we went and checked the signatures  
25 because that's how you can verify -- the signature and



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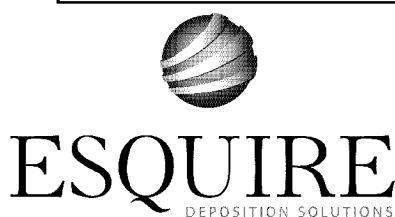
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1       the -- the request for the ballot has to match the  
2       signature of the ballot that you vote in. Well, do you  
3       know that all the ballots -- It's like a -- like a  
4       sergeant -- first class sergeant signed all the requests  
5       and all the ballots. The same signature was there for  
6       that particular vote. Probably that poor soldier out  
7       there fighting didn't even know he voted.

8                   Let me tell you, 17,000 of those 15,000  
9       were Republican, so someone has a connection to the  
10      military ballot, and that's the one you've got to check  
11      because that is a big, big fraud, and that's what wins  
12      elections without you counting the vote. It just comes  
13      out in no place all of the sudden. What happened in  
14      Ohio, you know, they thought the Democrats had won on  
15      the exit vote. What happened? The Republicans won. So  
16      that's what you need to look in the committee, you know,  
17      because I think Todd has already made his mind. You  
18      know, he's going to follow the Republicans the way they  
19      did in the senate.

20                  So thank you very much, and I hope that  
21      I'm wrong. I hope I'm wrong. I'll come visit you if  
22      I'm wrong, and I'll apologize.

23                  CHAIRMAN SMITH: I've been referred to as  
24      a Tom DeLay partisan thug just for your information.  
25      Mr. Pena?



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1 VICE-CHAIRMAN PENA: How are you doing?

2 MR. PENA: Fine.

3 VICE-CHAIRMAN PENA: You are here for GI  
4 Forum and LULAC; is that right?

5 MR. PENA: Yes, sir.

6 VICE-CHAIRMAN PENA: Okay. I didn't want  
7 you to go away without hearing it from one of us that we  
8 appreciate the work that LULAC has done and the GI  
9 Forum. I'm a member of both, so I guess you and I are  
10 both members of the communist party.

11 MR. PENA: Well, you know, this lady here,  
12 I don't know where in the world she came from, but  
13 wherever it is, I think that the chairman gave her more  
14 time than she should have had because I think she spoke  
15 for 20 minutes. She was putting us down. She's overly  
16 tough. I want to hear that.

17 VICE-CHAIRMAN PENA: It was all planned,  
18 Mr. Pena.

19 CHAIRMAN SMITH: It seemed like a long  
20 time to you, didn't it?

21 MR. PENA: It did. It did. Believe me.  
22 But, you know -- But, you know, that we are only  
23 carrying and passing the kindness that happened years  
24 ago. LULAC was organized in 1929 for the purpose of  
25 bringing about justice for all citizens of Texas.



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1 VICE-CHAIRMAN PENA: Let me just say one  
2 last thing because I just --

3 MR. PENA: Okay.

4 VICE-CHAIRMAN PENA: I like to make points  
5 about history because remember back then it was  
6 conservative Democrats keeping Hispanics down?

7 MR. PENA: Correct.

8 VICE-CHAIRMAN PENA: Okay. So it's --  
9 it's not always Republicans, sometimes it's Democrats.

10 MR. PENA: No. At that time it was  
11 Democrats, you are correct, but all the conservative  
12 Democrats -- when -- When Lyndon Johnson signed the  
13 Voting Rights Act, they all jumped to the Republican  
14 party. Now, they're the Republicans. All of those guys  
15 that were here testified as Republican, they're former  
16 Democrats.

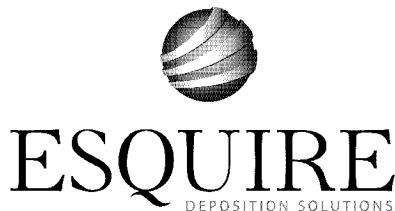
17 VICE-CHAIRMAN PENA: Okay. Well, listen,  
18 I just wanted to say something in appreciation for LULAC  
19 and GI Forum.

20 MR. PENA: Thank you.

21 VICE-CHAIRMAN PENA: And thank you very  
22 much for your time.

23 MR. PENA: Thank you. You all are doing a  
24 good job. I'm sure --

25 CHAIRMAN SMITH: All of us?



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1 MR. PENA: Well Todd, Pena, I'm going to  
2 check with him, see how you vote on this issue.

3 CHAIRMAN SMITH: All right. Thank you.  
4 We appreciate it very much. All right.

5 The chair calls Laurel Allbritton. Not  
6 here. Will show her as not testifying, but in favor of  
7 Senate Bill 362.

8 The chair calls Alma Holiday. Not here.  
9 Not testifying, but will be shown against Senate Bill  
10 362.

11 Louise Whiteford? I don't see any  
12 movement, so we're showing her as not testifying and in  
13 favor of Senate Bill 362.

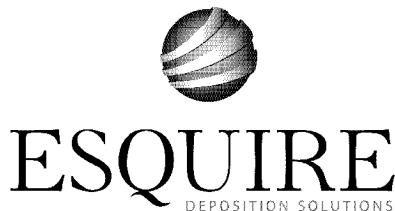
14 Alfredo Esparza? Don't see movement. We  
15 are showing him against Senate Bill 362 and not  
16 testifying.

17 Rebecca Forest? No movement. We're  
18 showing her as for Senate Bill 362, but not testifying.

19 Bill Stout? Showing him representing the  
20 Green Party of Texas being against Senate Bill 362 and  
21 not testifying.

22 Maria Martinez, come on down. You are  
23 representing IRCOT. Tell us who that is. You're for  
24 Senate Bill 362.

25 MS. MARTINEZ: My name is Maria Martinez.



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1 I represent the Immigration and Reform Coalition of  
2 Texas as well as Texans for Immigration Reform and  
3 Central Texans for Secured Borders.

4 CHAIRMAN SMITH: Okay.

5 MS. MARTINEZ: We are in favor of House  
6 Bill 125 and Senate Bill 362.

7 CHAIRMAN SMITH: This is -- okay -- Senate  
8 Bill 362. Please direct your attention just to Senate  
9 Bill 362.

10 MS. MARTINEZ: Specifically?

11 CHAIRMAN SMITH: We're going to have a  
12 separate hearing, believe it or not, when this one's  
13 finished --

14 MS. MARTINEZ: Oh, God.

15 CHAIRMAN SMITH: -- on that bill along  
16 with others.

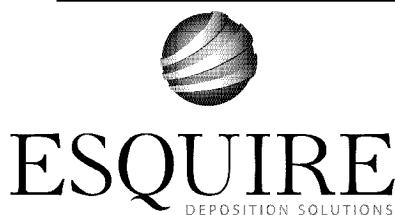
17 MS. MARTINEZ: Tonight?

18 CHAIRMAN SMITH: Yes. Get some coffee.

19 MS. MARTINEZ: I like my caffeine cold,  
20 but --

21 CHAIRMAN SMITH: Okay. So 362.

22 MS. MARTINEZ: Anyway, in any event, there  
23 have been a lot of very eloquent speakers, and really  
24 what I wanted to stress was the fact that I -- with the  
25 name like Maria Martinez, you can probably imagine the



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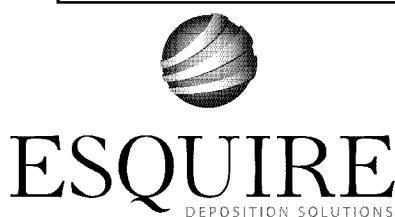
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1 kind of problems that a person with that name would have  
 2 with identification theft. So for me personally, it's  
 3 important that we have integrity of the process, so I  
 4 want to be sure that, you know, just like from my credit  
 5 report, you know, there will be possibly, you know,  
 6 umpteen numbers of people using my identification all  
 7 over the country, which there have been at times.

8           So what I'm -- You know, just a very small  
 9 point is we need to have a system where I can be assured  
 10 of the fact that my vote is going to count, the fact  
 11 that, you know, as a person with that type of name there  
 12 is going to be -- there won't be a dilution of my notes,  
 13 and we won't have, you know, other people trying to vote  
 14 in my place. So I think that's a really -- a really  
 15 strong point that no one has mentioned before.

16           Also, I should say that we -- we believe  
 17 that there have been many instances as you've heard of  
 18 some situations that have become apparent. For  
 19 instance, the gentleman from Bell County, but what I  
 20 would point out is how many did he not catch? How many  
 21 people just went through and voted? I mean, people have  
 22 said that there are so many -- that there aren't any  
 23 instances -- pardon me -- but I would say on the  
 24 contrary. It's quite possible that there were. For  
 25 everyone that was caught, there may be 10 or 20 that



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1 haven't been. So integrity -- we would love to see some  
2 integrity and -- and a secure feeling that the process  
3 works, and it works effectively for everyone, so no one  
4 has the potential for their votes being diluted by a  
5 person voting that is not appropriate.

6 CHAIRMAN SMITH: Thank you very much. Any  
7 questions, members?

8 MS. MARTINEZ: Thank you.

9 CHAIRMAN SMITH: Thank you very much.

10 MS. MARTINEZ: I'll see you shortly on  
11 125.

12 CHAIRMAN SMITH: Okay. All right. We're  
13 weeding them out at this point.

14 Sharon Shepard? No movement. Not  
15 testifying, but is against Senate Bill 362, and she was  
16 going to speak on behalf of Group Color of Change.

17 Derek Ryan, Republican Party of Texas is  
18 for the bill, but will not be shown testifying.

19 David Harris on behalf of himself against  
20 Senate Bill 362 will not be shown testifying.

21 Sheila Dean indicated that she would  
22 testify. You here? Okay. Testifying on behalf of  
23 those opposed to this legislation associated with 511  
24 Campaign -- I'll let you explain that -- testifying  
25 against Senate Bill 362. Oh, I'm going to have to have



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1 you sign this. You forgot to sign the witness --

2 MS. DEAN: Did I? I'm sorry.

3 CHAIRMAN SMITH: -- affidavit.

4 MS. DEAN: I might have been in a hurry.

5 There was actually someone directly ahead of me that was  
6 talking about Real ID and that's -- Okay. Oh, thank  
7 you. No? I'm not known for being detail oriented.

8 CHAIRMAN SMITH: That's okay. Please  
9 state your name and who you represent. You have some  
10 stuff for us?

11 MS. DEAN: I do.

12 CHAIRMAN SMITH: Okay. Want to pass it  
13 out?

14 MS. DEAN: My name is Sheila Dean, and I  
15 I'm representing the 511 Campaign, Texans Against Real  
16 ID. I'm referring to the September of 2005 Carter Baker  
17 report on the commission of the Federal election reform  
18 which has been cited to the committee earlier in the  
19 day, much much earlier in the day. I'm going to refer  
20 directly to Page 19 where, as quoted, the Real ID  
21 cards -- the states use Real ID cards for voting  
22 purposes because of the National Voter Registration --  
23 National Voter Registration Act establishing a  
24 connection between obtaining a driver's license and  
25 registering to vote. Okay. That connection lies



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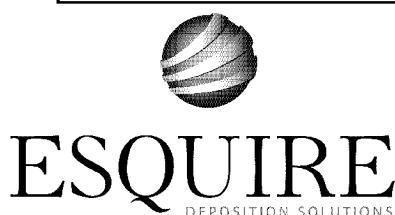
1       probably with the pragmatic responsibilities of AAMVA,  
2       the American Association of Motor Vehicle Administrators  
3       and their databases.

4                  As Voter ID pertains to the Federal Real  
5       ID Act, we are opposed to it due to the expansion of  
6       powers delegated to the Department of Homeland Security  
7       to determine identity for Federal purposes. Federal ID  
8       is under the oversight of a national security agency.  
9       Voting is not a matter of national security last time I  
10      checked, nor should identity be commandeered to be so.

11                 Okay. Driver's license is necessary to  
12      operate a vehicle. We ask that photo ID be a voluntary  
13      measure, a concession, but not mandatory, and while we  
14      have the benefit of your audience, we ask that you also  
15      reject the Federal Real ID Act because it is a voluntary  
16      inadequately funded and an inadequate form of identity  
17      that imperils the public trust.

18                 I might add that the -- if you are aware  
19      of the fusion centers, the information analysis centers,  
20      as data aggregates for voter information that goes  
21      through AAMVA, that that information has been delegated  
22      to them through AAMVA. So voter rolls information or  
23      any attributes of identity would go to AAMVA and then to  
24      the information analysis centers.

25                 Okay. And how that may translate, I'm



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1 going to give you a scenario that came up in press as of  
2 recently. In Missouri, there was a -- there was some  
3 sort of memo or directive given to the local police  
4 enforcement to target third -- third party voter  
5 constituents associated with Ron Paul, the constitution  
6 party, Chuck Baldwin, and one other third party voter.  
7 Might as well have been Cynthia McKinney or any third  
8 party. They were directly profiled as terrorist threats  
9 based on their party affiliation.

10 And so if voter information goes to a  
11 national security administration database and then  
12 somehow is circumvented to become a retroactive tool to  
13 target people, then that is not a judicious use of voter  
14 identity, and I wanted to make sure that that was clear  
15 and on the record.

16 And that I would ask this committee to  
17 please specifically pay special attention to the use of  
18 Real ID and decouple that concept with any relationship  
19 with Voter ID --

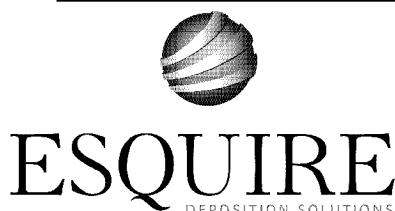
20 CHAIRMAN SMITH: Okay.

21 MS. DEAN: -- if that's possible.

22 CHAIRMAN SMITH: My sense is that there's  
23 not a lot of movement on the Real ID issue.

24 MS. DEAN: We hope not.

25 CHAIRMAN SMITH: Okay. Any questions,



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1 members? Thank you very much.

2 MS. DEAN: Thank you.

3 CHAIRMAN SMITH: At this time the chair  
4 calls Patti Edelman, representing yourself and against  
5 Senate Bill 362.

6 MS. EDELMAN: Mr. Chair and members of the  
7 committee, my name is --

8 CHAIRMAN SMITH: State your name.

9 MS. EDELMAN: -- Patti Edelman. I live  
10 here in Austin.

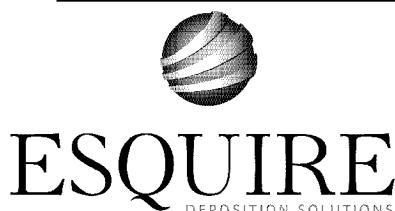
11 CHAIRMAN SMITH: Representing?

12 MS. EDELMAN: Me.

13 CHAIRMAN SMITH: Good. Thank you.

14 Proceed.

15 MS. EDELMAN: And I guess other citizens  
16 who might agree with me. I have served in the capacity  
17 as an election official and also as a -- what's the word  
18 I'm looking for -- all of the sudden -- It's so late.  
19 I've worked as an election judge, and in that time I  
20 have never encountered any voter fraud. In every  
21 instance that has been mentioned here today, of -- of  
22 things that have happened to different people and  
23 instances where somebody might have done something  
24 untoward while they were voting, voting illegally,  
25 voting with someone else's ID or being persuaded to vote



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1 by someone when in a way that they hadn't intended, all  
 2 of these things are covered by other laws that they  
 3 could be pursued, that -- other laws that would cover  
 4 them for the illegal act -- these illegal acts.

5 People have talked about mail-in ballots  
 6 as being a problem, and, yes, they are a problem in  
 7 Livingston in Polk County. For instance, there are  
 8 12,000 people registered to vote at 101 Rainbow Drive,  
 9 and they vote and most of them vote Republican, and most  
 10 of them don't live in Texas, and I know that you all  
 11 have had that discussed.

12 Two last things I wanted to say. The one  
 13 issue that you all haven't touched upon and most people  
 14 haven't talked about is what it's going to take to  
 15 inform voters about the -- about the changes in the law.  
 16 The State of Georgia is about tenth the size of the  
 17 State of Texas with one major media market, and in Texas  
 18 we have five major media markets and probably five  
 19 smaller media markets. They've set aside \$1.5 million  
 20 to educate their voters. If we -- if we take that and  
 21 multiply it by the State of Texas and the media markets  
 22 we have, we're looking at somewhere between five and  
 23 \$20 million to educate voters to the changes in the  
 24 registration and the ID required. And I think that in  
 25 the time in these -- in these times where we are



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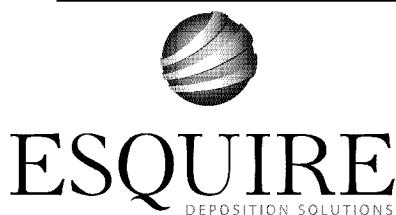
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1 strapped for cash and we're trying to figure out how to  
2 fund health and all these other things for our citizens,  
3 that wasting money on these -- this issue, whether it's  
4 really not an issue, is the responsibility of this house  
5 and of the senate.

6               Lastly, I want to show you a picture, and  
7 if you -- if you ask me as an election judge whether  
8 this man matches the man who would be in front of me  
9 today with this -- this picture ID, I think that as -- I  
10 would have a really hard time saying that this might be  
11 the same man. And, I'm sorry, but if you leave it to  
12 the people who are election judges across this state --  
13 if you leave it to people who are election judges across  
14 this state to determine if the -- if the picture on an  
15 ID is the same one as the voters standing before them --

16               CHAIRMAN SMITH: We all agree that we do  
17 not let felons vote.

18               MS. EDELMAN: Well, this is -- I realize  
19 that it's late and it's -- it's comical, but most of the  
20 election judges in this state are at best 50 years old  
21 and at worst 85 or older, and for them to turn the voter  
22 away because they have a picture and can't really be  
23 sure if that's the person that's holding the ID, I think  
24 that it's unfair to voters, and so you're trying to fix  
25 a problem that doesn't really exist. And if it did --



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1 if it does, then our Attorney General should be taking  
2 people in right and left and prosecuting them for the  
3 voter fraud that you pretend exists in this state.  
4 Thank you.

5 CHAIRMAN SMITH: Hold on just a minute.

6 Questions, members? Anybody?

7 UNIDENTIFIED SPEAKER: I just -- You  
8 didn't take our laughing to diminish the seriousness of  
9 your testimony.

10 MS. EDELMAN: No, sir, I didn't.

11 UNIDENTIFIED SPEAKER: Okay. Good. Good.  
12 Because --

13 MS. EDELMAN: Because I know you wouldn't  
14 do that.

15 UNIDENTIFIED SPEAKER: Well, exactly.

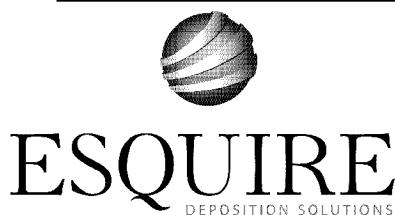
16 And --

17 MS. EDELMAN: Now, maybe Mr. Smith might,  
18 but --

19 UNIDENTIFIED SPEAKER: Well, I don't think  
20 he would either, but I'm really glad you showed up.

21 CHAIRMAN SMITH: This is Strauss's fault.

22 UNIDENTIFIED SPEAKER: You showed us  
23 representative -- I'm glad you showed us that picture  
24 because that's the most compelling visual evidence I've  
25 seen today about the difficulty in identifying people.



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1 MS. EDELMAN: You can all go home now.

2 Thank you.

3 UNIDENTIFIED SPEAKER: Can we have that  
4 entered into the record?

5 MS. EDELMAN: Absolutely. I'm willing --  
6 I am willing to submit this.

7 UNIDENTIFIED SPEAKER: No objection.

8 UNIDENTIFIED SPEAKER: Can we have that  
9 entered into the record?

10 UNIDENTIFIED SPEAKER: We are going to  
11 create a record for this document.

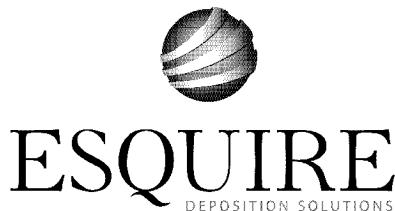
12 MS. EDELMAN: And I hope that if he does  
13 return and even if he doesn't want to claim it, you'll  
14 have him sign it.

15 CHAIRMAN SMITH: Thank you, Ms. Edelman.

16 MS. EDELMAN: Thank you.

17 CHAIRMAN SMITH: Appreciate it. At this  
18 time the chair calls Vickie Karp on behalf of Vote  
19 Rescue testifying against Senate Bill 362. Please state  
20 your name and who you represent.

21 MS. KARP: I'm Vickie Karp. I'm here on  
22 behalf of Rescue and our Coalition of Texans for  
23 Reelections. Chairman Smith, Vice-chairman Pena and  
24 committee members, voter fraud is a molehill, not a  
25 mountain of fraud. I quote Allen Lichtman, a consultant



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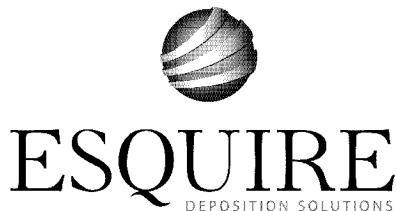
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1 on voting rights and expert witness in 75 voting rights  
 2 cases who found not a single fraudulent vote among the  
 3 1.4 million ballots cast in a Maryland election in 1998  
 4 which he was asked to investigate.

5 Many experts here and elsewhere conclude  
 6 and we agree that voter fraud is not a significant  
 7 problem nationally and certainly not in Texas. I would  
 8 like to instead focus on what is the very real threat to  
 9 our democratic process, the problem of election fraud  
 10 made possible with the use of electronic voting machines  
 11 controlled by corporate vendors using software that is  
 12 so secret not even our election officials are allowed to  
 13 look at it, all of which really amounts to no more than  
 14 secret vote counting.

15 So for my remaining time this evening,  
 16 I'll cite just a fraction of the available evidence  
 17 proving that none of the three major vendors' voting  
 18 machine equipment being used in Texas today is safe from  
 19 undetectable fraud. The Diebold Company, now called  
 20 Premier Election Systems, has had two types of their  
 21 voting systems successfully hacked in minutes both by  
 22 expert teams brought in by the nonprofit group Black Box  
 23 Voting, as well as by Princeton University computer  
 24 experts. The first hack of Diebold, optical scanners  
 25 used to count paper ballots prove that the scanners were



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1 able to be hacked within minutes and election results  
2 flipped to the opposite candidate simply by switching  
3 out the memory card used to track vote totals. This  
4 hack was shown on the HBO documentary Hacking Democracy  
5 which was nominated for an Emmy in 2007. The problem is  
6 countless individuals have access to election equipment  
7 before and during election day and the ability to easily  
8 switch out a memory card.

9 And to quote once again this evening from  
10 the Carter Baker Commission on Federal Election Reform  
11 from 2005 their report, software can be modified  
12 maliciously before being installed --

13 CHAIRMAN SMITH: I want to go ahead and  
14 ask you to the extent that you possibly can -- to the  
15 extent that you're familiar with the legislation to  
16 limit your testimony to Senate Bill 362 which -- which  
17 does not involve election equipment --

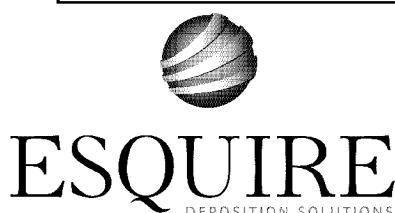
18 MS. KARP: Okay.

19 CHAIRMAN SMITH: -- if possible. If you  
20 are not entirely familiar with the constraints of the  
21 legislation, then do your best, but --

22 MS. KARP: Okay.

23 CHAIRMAN SMITH: -- but it doesn't have  
24 anything to do with election equipment.

25 MS. KARP: Okay. Well and, we will come



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1 back in the future -- future hearings hopefully and  
2 discuss this further.

3 CHAIRMAN SMITH: We do -- We have an  
4 election equipment hearing on the 15th of April and  
5 you're welcome to attend.

6 MS. KARP: I understand. I left back  
7 there at my seat, but several studies and reports.

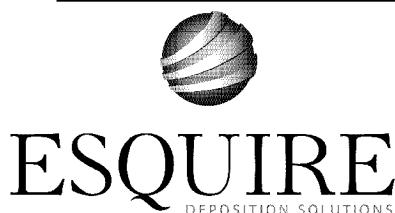
8 CHAIRMAN SMITH: If you can't make  
9 finance, call my staff. They'll give you an update.

10 MS. KARP: Okay. Thank you very much.

11 CHAIRMAN SMITH: Uh-huh.

12 MS. KARP: On the subject of Voter ID, I  
13 think I just want to reiterate what's been said before  
14 me. I think it is a fake problem. I think this  
15 legislation is unnecessary. I think there are all types  
16 of fraud that need to be addressed in our voting  
17 systems, but people impersonating voters is not one of  
18 them.

19 And just one last point. I'd like to  
20 clear up something for the record. The dead voters from  
21 Lyndon B. Johnson's senate campaign, his election in  
22 1948 in Duval County, those were not individual people  
23 posing as dead voters to get to vote. Those were  
24 election officials insiders who rigged that election for  
25 Lyndon Johnson. As the Carter Baker commission said,



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1 insiders are one of our biggest threats in election  
2 fraud situations and that was just another case of  
3 insiders committing election fraud, and it was not a  
4 case of a voter impersonating a -- or voter  
5 impersonating a dead person in order to get in a vote  
6 that they did not deserve. Thank you.

7 CHAIRMAN SMITH: Any questions for Ms.  
8 Karp, members? Oh, he's back. Oh, we got an  
9 exhibit for you. No questions. Thank you very much.

10 UNIDENTIFIED SPEAKER: This is Exhibit A.  
11 We'll go take a look at it over there.

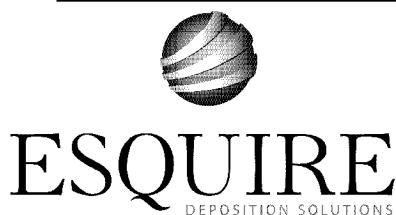
12 UNIDENTIFIED SPEAKER: Oh, very nice. I  
13 had hair once.

14 CHAIRMAN SMITH: Matthew Mannis on behalf  
15 of his testifying in favor of Senate Bill 362. Please  
16 state your name and who you represent.

17 MR. MANNIS: My name is Matthew Mannis.  
18 I'm from Georgetown, Texas. I'm retired and I'm  
19 representing myself and most of my family, which is 10  
20 children and their spouses, 23 grandchildren and a lot  
21 of other family, but I came here today to testify on --  
22 I mean, for bill --

23 CHAIRMAN SMITH: Senate Bill.

24 MR. MANNIS: Senate Bill -- I'm sorry.  
25 Senate Bill. It's late.



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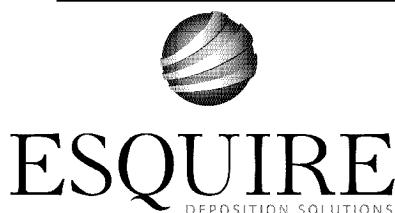
1 CHAIRMAN SMITH: I understand.

2 MR. MANNIS: Senate Bill 362, and, please,  
 3 I do not mean any disrespect to you guys on the  
 4 comparisons that I'm going to make because I've been in  
 5 your place. I was a city councilman. I listened to  
 6 testimony on ordinances and a lot of other things. But  
 7 what this looks like is that you guys are polishing the  
 8 car while the wheels are falling off, and I think it's  
 9 time for you to put the wheels back on.

10 And the reason I'm saying that is that  
 11 you're looking at 98 percent of the problem being  
 12 solved. And you have a database of all the -- the  
 13 licenses and people. You can set it up in a poll. You  
 14 can click Mack Mannis. You can click my address and  
 15 whatever. There's my picture. And it's solid.  
 16 98 percent is solid.

17 And the reason I'm saying that is that we  
 18 keep on worrying about the other 2 percent. I'm worried  
 19 about the other 2 percent also, but let's don't let the  
 20 2 percent stop from a Voter ID. You have to have Voter  
 21 IDs for everything that you do in this country now.

22 I think it's -- We need a fair play. I  
 23 think the Voter ID system needs to be worked on, but I  
 24 think this is one -- one of the solutions. And, by the  
 25 way, you can fold this to fit in your wallet. That's



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1 about all I have, if you guys have any questions.

2                   There is one item and we need a little  
3 levity. That very young girl from UT, and I wanted to  
4 tell her from the very old guy from U of H, that you  
5 have a 10 days to change your driver's license in the  
6 State of Texas, and if you get stopped for speeding, you  
7 get another ticket for not being in the right location.  
8 So I think that that's not correct. She can't live  
9 someplace else and have a driver's license in one place.

10                  CHAIRMAN SMITH: Any other questions,  
11 members, of Mr. Mannis? Thank you very much.

12 Representative Brown?

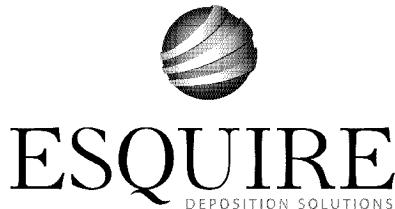
13                  REPRESENTATIVE BROWN: You made reference  
14 to something that someone else earlier said, and this is  
15 all kind of running together for me, about bringing up  
16 your picture on the computer screen, and it made me  
17 start thinking earlier, maybe we're -- maybe we're  
18 focusing on the picture at the wrong place, that you  
19 shouldn't have to carry something with your picture on  
20 it.

21                  MR. MANNIS: That's what I'm --

22                  REPRESENTATIVE BROWN: If the system had  
23 your picture there --

24                  MR. MANNIS: It's already there.

25                  REPRESENTATIVE BROWN: -- and it comes up



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1       on the computer screen, the person looks up and says,  
2       yeah, that's you, and so the -- it's not -- it's not  
3       placed on you for the responsibility of presenting a  
4       photo ID. You're presenting yourself to compare with  
5       what's in the computer.

6                    MR. MANNIS: And the cost savings.

7                    REPRESENTATIVE BROWN: I honestly never  
8       thought of it that way till it was stated earlier, and I  
9       thought maybe we're going at this wrong.

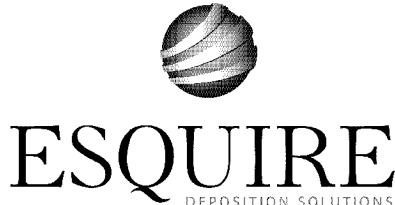
10                  MR. MANNIS: Well, the cost savings would  
11       be astounding, and -- and you would have -- you would be  
12       able to pin a guy down right away. You know, you pull  
13       up Matt Mannis and you pull up say a back guy, well,  
14       obviously, that's not correct. So I think that's  
15       something you guys really need to take a look at, and  
16       let's solve the 98 percent and work on the 2 percent.

17                  REPRESENTATIVE BROWN: That may be for  
18       another day. The way I see it, we need to go ahead and  
19       get photo ID passed --

20                  MR. MANNIS: Yes.

21                  REPRESENTATIVE BROWN: -- and do it as  
22       quickly as possible and implement it, and people that --  
23       that do have to get an ID, I think they're that much  
24       better off because they can use it for other things --

25                  MR. MANNIS: Yes.



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1 REPRESENTATIVE BROWN: -- and -- And I  
2 really think they'll be helped by having an ID.

3 MR. MANNIS: Thank you for your time.

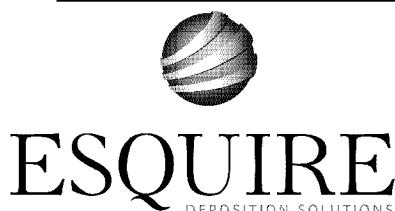
4 REPRESENTATIVE BROWN: Thank you.

5 CHAIRMAN SMITH: Thank you, sir. The  
6 chair calls Sylvia Mendoza. Here? Testifying in favor  
7 of Senate Bill 362. Please state your name and who you  
8 represent.

9 MS. MENDOZA: Hello. Thank you, Chair.  
10 My name is Sylvia Mendoza, and I represent myself, my  
11 family, my friends, Hispanic Americans that believe like  
12 I do, and some of the graduating class that I've talked  
13 to that's Hispanic from 1973. This is directed to those  
14 of you who are against the Voter ID.

15 Do you know what the definition of illegal  
16 is? It is banned, forbidden, prohibited, felonious,  
17 unlawful, not legal, wrong, unjust, and  
18 unconstitutional. Even though it is unconstitutional,  
19 voter fraud has been committed. One reason there may  
20 not be too many documented cases of voter fraud is  
21 because exactly that. It was voter fraud. People got  
22 away with it.

23 I've had a Social Security card, but I  
24 acquired a fake Social Security card on the black  
25 market. It was easy to acquire, and it is accepted as



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1 if it were valid. Right now it is almost as easy to  
2 sometimes get by without having the legal right to vote.  
3 A lot of people who voted this presidential election  
4 were people who had never voted before. Some did not  
5 respect and honor the right to vote before. Some say  
6 they didn't love America until now. What a shame.

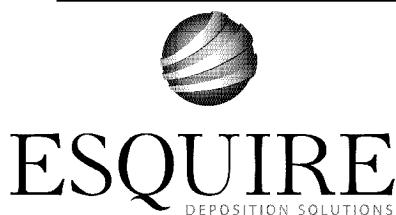
7 I feel now is the time for the Voter ID to  
8 prepare for the future. If you don't vote for it now,  
9 you will be voting for it later. You all have a duty to  
10 us citizens, our lawmakers, so do your job and make this  
11 a deterrent to prepare and make it nearly impossible for  
12 voter fraud.

13 Anyone who votes against it is not doing  
14 everything within their power for this great state  
15 within this great country, and I am a Hispanic. But,  
16 first of all, I'm an American -- third generation  
17 American, and I do not want special treatment. All  
18 elections should be fair. Vote for SB362. Thank you.

19 REPRESENTATIVE PENA: Thank you,  
20 Ms. Mendoza. Does anybody have any questions? Okay.

21 The chair calls Andrea Pena? She was here  
22 for the Citizens of Progresso, so I guess she left. She  
23 did not testify, but she wanted to show herself in favor  
24 of the bill.

25 The chair calls John Yarber. John, are



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1 you here? Retired citizen representing himself, showing  
2 against the bill, and he did not testify.

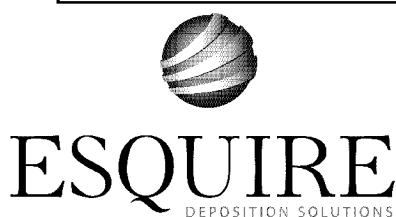
3 The chair calls Ramiro Mondragon  
4 representing himself, wishing to show himself against  
5 the bill. He did not testify.

6 The chair calls Rene Lara? Rene, are you  
7 still here? Rene is with the Texas AFL-CIO, and he is  
8 against the bill, and he is testifying. Renee, go ahead  
9 and give us your full name.

10 MR. LARA: I'll make it quick. As a  
11 matter of fact --

12 CHAIRMAN SMITH: Give us your full name  
13 and who you represent.

14 MR. LARA: Yes. My name is Rene Lara with  
15 the Texas AFL-CIO, and this is my reason for testimony.  
16 And so I'm not going to go through most of it, but on  
17 behalf of the AFL-CIO, there is one -- and you can read  
18 the rest of the testimony, but we want to focus on one  
19 item, and this is the decoupling or the difficulty in  
20 decoupling the Real ID issue with the Voter ID issue.  
21 We know that the key feature of the bill -- the Senate  
22 Bill is a photograph, an ID, a government official photo  
23 ID, and we understand the public understands this to  
24 be -- in fact, it's the number one item listed despite  
25 the alternatives. The one item that people will



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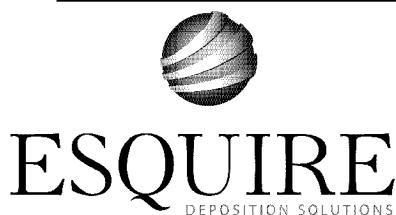
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1 understand as the official government photo ID will be  
 2 the Department of Public Safety driver's license or  
 3 state ID, and this is our concern.

4                 Members, you've heard about the Baker  
 5 Carter Commission requiring -- recommending that states  
 6 require voters to use the Real ID and that the Real ID  
 7 become the principal identification on a nationwide  
 8 basis, that in effect it would be a national ID. The  
 9 national AFL-CIO opposes the national ID and, in fact,  
 10 we've been hoping that the national Federal government  
 11 will backtrack on their plans to implement it because as  
 12 you know, the Real ID Act is law in effect that has been  
 13 postponed in its implementation, but it's still the law,  
 14 and there's still a deadline, and DPS is still working  
 15 on rules. In fact, there's a bill in another committee  
 16 that has been discussed on this issue. So it hasn't  
 17 gone away.

18                 What this Voter ID proposal does is it  
 19 incentivizes -- Well, what it does is it creates the --  
 20 it uses the driver's license as an official government  
 21 ID. It is the same item that the Real ID will use for  
 22 its purposes, and, in fact, it's the same thing except  
 23 for the -- the hookup to a national database, which is,  
 24 you know, fairly easy to implement.

25                 So we feel that -- And, in fact, the



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1       Republican party of Texas also opposes a national ID, so  
2 together the AFL-CIO and the Republican party of Texas  
3 in opposition to a national ID ought to be very  
4 concerned about this Voter ID proposal because it uses  
5 the same item that the Real ID Act looks to implement  
6 that part of the law.

7                   So that's the -- what we would like you to  
8 think about and what ramifications this bill would have  
9 beyond its intended effect in the very near future.

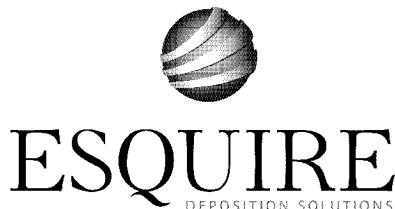
10                  CHAIRMAN SMITH: Questions, members?

11                  Thank you, Rene.

12                  At this time the chair calls Lee Medley.

13                  MR. MEDLEY: Yes. My name's Lee Medley.  
14 I'm with the United Steel Workers. I live down in  
15 Galveston County, Texas. Like they said, there's been a  
16 lot of eloquent speakers tonight. I'm not going to be  
17 one of those. What I want to tell you is you had a man  
18 up here earlier talk about you all are misguided, that  
19 you all have your priorities wrong, and you all passed  
20 over that. That's what I'm going to tell you.

21                  You know, you got -- I work in a plant.  
22 When I go back to that plant, the men and women ask me  
23 what are they doing in Austin? So what do I tell them?  
24 They're spending your time and money on some fictitious  
25 conspiracy theory problem that they haven't convicted a



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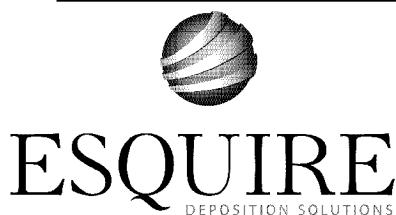
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1 single person on while in Rockdale, Texas, they're  
 2 shutting down the aluminum plant, while in Lake Jackson  
 3 and in that area, the Dow plant's suffering huge  
 4 layoffs, while Lone Star, Texas, 750 people get laid off  
 5 and we're worried about this?

6 I tell you what. You go ask one of those  
 7 people in the barber shop if they're worried about Voter  
 8 ID. You go ask them in Santa Fe, Texas. I'll guarantee  
 9 you there's not been anyone going in and say that's Lee  
 10 Medley, I'm voting for him. They're not stealing my ID.

11 You heard a lot of people say that people  
 12 are disenfranchised. They are not disenfranchised over  
 13 the fact of voter fraud. They're disenfranchised  
 14 because they send you up here to Austin to take care of  
 15 work and families and this is what you do. They're  
 16 disenfranchised because you are supposed to be taking  
 17 care of jobs, health care and that sort of thing in the  
 18 State of Texas, and instead, you're playing partisan  
 19 politics. That's what disenfranchises people, Democrats  
 20 and Republicans. You know, they want -- My cousin  
 21 called me last night. He said the plant he's at in  
 22 (inaudible) is shutting down. I got to have a job. Guy  
 23 from Lindell called me the night before. Lindell  
 24 cutting back. Got to have a job. That's what's on the  
 25 minds of Texans, not voter fraud. I mean, I've been in



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1       precincts here for quite a while where I'm at. I  
2       haven't seen that. I haven't seen anyone come in and  
3       try and take my voter's slip and vote.

4                 I've seen a lot of men and women lose  
5       their health care at UTMB in Galveston because of the  
6       hurricane. I'll tell you what, Judge Yarbrough and them  
7       folks, Craig Allen, they worked their rear end off  
8       trying to make sure everyone got the right to vote after  
9       that hurricane, and people lost everything, everything,  
10      and now we got people up here trying to take that right  
11     away from them. That's just not right. You all need to  
12     think about what you're doing and get your all's  
13     priority right. Thank you.

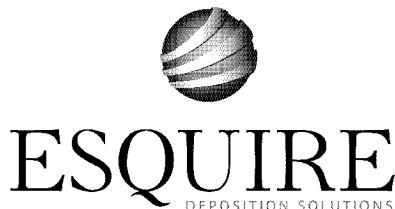
14                CHAIRMAN SMITH: Members, any questions of  
15     this witness? I appreciate your testimony. I just want  
16     you to know this is the elections committee.

17                MR. MEDLEY: I understand what committee  
18     it is.

19                CHAIRMAN SMITH: And not one of us asked  
20     to be on it, and we can't pass legislation out here  
21     dealing with jobs and health care or -- the subject  
22     matter of this committee is elections.

23                MR. MEDLEY: I understand exactly what the  
24     sub --

25                CHAIRMAN SMITH: Whether we like it or



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1 not, we're limited to that.

2 MR. MEDLEY: And there's plenty of other  
3 committees, and I understand what the subject matter is  
4 here, but you sure spend a lot of time and money,  
5 taxpayer dollars, to be here all night.

6 CHAIRMAN SMITH: Thank you very much.

7 Chair calls Ruth Epstein. No Ruth Epstein. Showing not  
8 testifying and against Senate Bill 362.

9 Chair calls Kenneth Koym -- Koym. Tell  
10 us -- You are going to testify against Senate Bill 362.  
11 Please tell us your name and who you represent.

12 MR. KOYM: Friends, I'm Kenneth Koym, and  
13 I'm representing Kenneth Koym and family, the mental  
14 health profession. I'm a licensed clinical marriage and  
15 family therapist. I'm a certified mediator. I don't  
16 believe that Texas --

17 CHAIRMAN SMITH: Before you start on your  
18 form, you indicated you are speaking on behalf of the  
19 American International University --

20 MR. KOYM: I will address that as well.

21 CHAIRMAN SMITH: -- Dialogue Producing  
22 Consortium; is that correct?

23 MR. KOYM: Yes.

24 CHAIRMAN SMITH: Okay. Thank you.

25 Continue.

  
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1                   MR. KOYM: Those are nonprofit  
 2 organizations. They are small, but they have caused me  
 3 to -- to give to a society 60,000 hours. That's  
 4 30 years or better. 2,000, sometimes 3,000 hours per  
 5 year. I've seen changes in Mexico in the voter process.  
 6 I heard it said in the senate because I spent all  
 7 night -- I didn't just spend to mid -- to midnight. I  
 8 spent all night and had somebody tell me -- a young  
 9 squirt tell me, a 69-year old, old man, get that hat  
 10 off, and it was cold as hell in the senate.

11                  Now, I'm telling you that the kind of  
 12 things that we're doing in this United States do not  
 13 compare to some very small republics like the Republic  
 14 of China where I observed election, in Mexico where I  
 15 observed Mr. Cedillo, and the vote of the people, and  
 16 that new process that kicked the (inaudible) out after  
 17 70 something years. In Brazil, in Belize, in Guatemala,  
 18 yes, 13 years. But I have paid my price or paid the  
 19 price and earned something special to know that people  
 20 are offended and intimidated very easily in the United  
 21 States. They are in fact intimidated to the extent that  
 22 this bill -- if SB362 passes in some form, in some form,  
 23 that will be a highly probable mental health judgment on  
 24 my part that it amounts to a violation of the Hate  
 25 Crimes Act of 2007.



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1                   We need to look very carefully at that  
2 question as to whether this bill is not practicing  
3 prejudice, and we need to walk very carefully, not to  
4 exercise anymore prejudice against American Indians,  
5 against the black, against the brown and against Germans  
6 and against every one of us because we all have  
7 different prejudices, and this bill pushes and allows  
8 that. Is there any questions?

9                   CHAIRMAN SMITH: Are there any questions,  
10 members? We don't have any questions. We sure  
11 appreciate it.

12                  MR. KOYM: Thank you so much for hearing  
13 me, and I don't mean to be sarcastic.

14                  CHAIRMAN SMITH: You are a --

15                  MR. KOYM: I am deadly.

16                  CHAIRMAN SMITH: -- convicted --

17                  MR. KOYM: Opposed to voter photo ID. We  
18 don't need it.

19                  CHAIRMAN SMITH: Thank you for patiently  
20 waiting to testify. The chair calls Manuel Rendon.  
21 Okay. We're going to show him against and not  
22 testifying.

23                  The chair calls Melissa Gonzalez. Going  
24 to show her against and not testifying.

25                  The chair calls Andy Wilson. Against, and



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1 tell us who you represent and state your name for the  
2 record.

3 MR. WILSON: My name's Andy Wilson. I'm  
4 here representing public citizens. I'm also a board  
5 member of Common Cause Texas.

6 CHAIRMAN SMITH: Thank you.

7 MR. WILSON: And I'm here testifying  
8 against Senate Bill 362.

9 CHAIRMAN SMITH: Okay.

10 MR. WILSON: Now, I agree with much of the  
11 testimony that groups like the League of Women Voters,  
12 other members of Common Cause Advocacy, Inc., et cetera,  
13 have given here today. I won't repeat what they've  
14 said. You've already heard that. But I am here to tell  
15 you something that they haven't told you, and that is  
16 there is voter impersonation going on that is happening  
17 right here in Austin. In fact, it's happening not one  
18 hundred yards from where we sit right here. That voter  
19 impersonation is the so-called ghost voting that happens  
20 on the floor of the legislature.

21 So and I -- being a little bit coy here.  
22 I'm being a little bit funny, but just follow me around  
23 on this. Here we have two issues. One, with little or  
24 no empirical evidence of someone showing up and  
25 impersonating someone else in the polling place.



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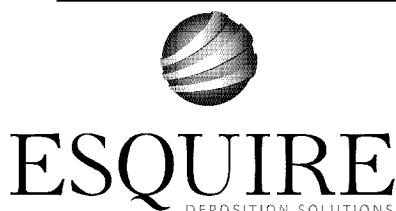
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1       Second, documented empirical times when members of the  
 2       house are not on the floor of the house, are not voting  
 3       for themselves. Their desk mate is voting for them.  
 4       Someone else is voting for them. So I ask you to  
 5       consider this.

6               Now, of course, that isn't again the house  
 7       rules. I understand that. That's fine. They're your  
 8       rules. You set them. You also set the rules for  
 9       elections here in the State of Texas. So I ask that  
 10      whatever standard that you set for us here in Texas,  
 11      whatever form of ID that you ask grandpa or abuela to  
 12      show up with at the polls every time that they vote, if  
 13      you bring this or a substitute bill to the floor or any  
 14      other similar legislation also brings a resolution to  
 15      the floor that would amend the House rules to require a  
 16      similar standard for members of the state legislature.  
 17      And since you will require this of all voters every time  
 18      they vote, and many people here in this room want that  
 19      requirement, I hope that you will require the same  
 20      standard of Voter ID from you every time you vote so  
 21      that you will consider the gravity of what it is that we  
 22      are doing here today.

23               We have available technology to do this.  
 24      I believe that, therefore, thumbprint scanners in the  
 25      House lounge available for this sort of thing. We can



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1 go ahead and institute these sorts of things, but just  
2 realize the disconnect from -- from those of us who look  
3 here at what this process is. Questions?

4 CHAIRMAN SMITH: Representative Bonnen?

5 REPRESENTATIVE BONNEN: Yeah. You  
6 actually raised a real interesting issue. I selected my  
7 office this session on the fourth floor of the Capitol  
8 based on the fact that at the time that people believe  
9 Tom Craddick would continue to be the speaker, there was  
10 quite a bit of interest in how we would be voting on the  
11 house floor, and I am curious what your thoughts would  
12 be as to why that issue seemed to go away at the point  
13 they decided we have a different speaker.

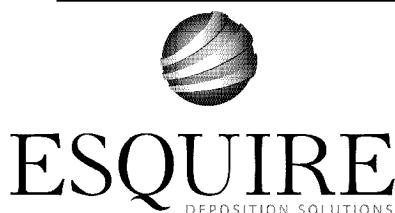
14 MR. WILSON: I'm not sure. That's a good  
15 question.

16 REPRESENTATIVE BROWN: I remember going  
17 onto the house floor over the holidays and seeing the  
18 machines all around there and ready to go. Do you know  
19 where they are now?

20 MR. WILSON: I do not know.

21 REPRESENTATIVE BONNEN: It's just  
22 interesting. Do you know where that issue's fallen off  
23 in the press and everywhere else? It's not really  
24 talked about, is it?

25 MR. WILSON: I'm not sure. We've raised



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1       this a little bit. I know that this has been a pet  
2       issue of Smitty's.

3                   REPRESENTATIVE BONNEN: But I mean it  
4       seems to have gone silent though.

5                   MR. WILSON: I can't speak for anyone  
6       other than myself. I for one did not bring this up as  
7       an issue in the senate testimony because after staying  
8       there the whole night had to pack up and leave for  
9       Dallas, so was unable to present this same rhetorical  
10      argument to the senate. So for our part, we have failed  
11      in bringing that to the forefront, but --

12                  CHAIRMAN SMITH: You have tonight.

13                  Representative Anchia? Go ahead, please.

14                  REPRESENTATIVE ANCHIA: I defer.

15                  CHAIRMAN SMITH: Okay.

16                  REPRESENTATIVE BROWN: Thank you,  
17       Mr. Representative. Thank you, Mr. Chairman. I will  
18       tell you that I agree with you, as a matter of fact. I  
19       sat on house administration last session and actually  
20       agreed that that's equipment that we should have on the  
21       house floor, so actually voted for that thumbprint.

22                  MR. WILSON: That's excellent. Thank you.

23                  REPRESENTATIVE BONNEN: Do you know where  
24       the equipment is now?

25                  REPRESENTATIVE BROWN: No. Not on house



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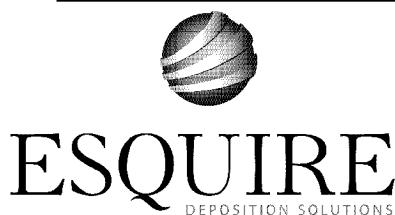
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1 administration anymore.

2 CHAIRMAN SMITH: Representative Anchia?

3 REPRESENTATIVE ANCHIA: You know, I think  
4 the analogy's instructive. I mean the -- we've -- We've  
5 got busy schedules in the -- in our capacity as state  
6 representative. We're not always able to get from one  
7 side of the floor to the other, so we changed rules,  
8 remodified rules to make it easier to vote. And I think  
9 that -- I think that analogy makes sense, and we've --  
10 and we've put rules in place at the same time to suggest  
11 that with someone's authorization, you can vote on their  
12 behalf, and I think we modified the house rules this  
13 session to make that happen. And it speaks to the fact  
14 or the analogy can be made that people in their lives  
15 are also very busy. Things happen. They have to be at  
16 work or they have to be taking care of their children,  
17 and the rules are set up sometimes to make it more  
18 difficult to vote, and at least if the -- if I think  
19 where you are going -- if I think I understand where  
20 your a going with the analogy, we may want to look at  
21 the rules that we have in place to make sure that --  
22 that it is convenient to vote, that it is accessible to  
23 vote just as we modified our rules.

24 And I will say this, that I don't think  
25 you were suggesting that there was any fraud on the



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1 house floor. I certainly have not -- I've never heard a  
2 case --

3 MR. WILSON: I was very careful not to say  
4 that there was voter --

5 REPRESENTATIVE ANCHIA: Sure.

6 MR. WILSON: -- fraud going on in the  
7 Capitol.

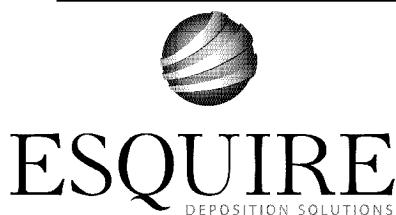
8 REPRESENTATIVE ANCHIA: Sure. And I've  
9 never heard of a case where someone voted --  
10 intentionally voted their desk mate or their neighbor  
11 the wrong way. I mean, I haven't heard of any  
12 complaints.

13 REPRESENTATIVE BROWN: It would only  
14 happen once.

15 REPRESENTATIVE ANCHIA: Once it happened  
16 to you?

17 REPRESENTATIVE BROWN: I said it would  
18 only happen, happen once.

19 REPRESENTATIVE ANCHIA: Right. And  
20 usually that would happen, and there was a way to  
21 correct it in the house journal, right? You'd go and  
22 say, hey, you know, I voted the wrong way or I was voted  
23 the wrong way, and there would be a way to correct that.  
24 And I don't think there's any analogy in our -- in our  
25 voting system to do that other than maybe the



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1       provisional ballot that would be remedied on the back  
 2       end where you could come back and say you know what? I  
 3       didn't have my ID at this polling place or I wasn't able  
 4       to comply with the voting requirement. I want to come  
 5       back and submit the right information in order for the  
 6       vote to be rectified, similar to what we do in the  
 7       journal.

8                   MR. WILSON: Correct. And if those  
 9       provisional ballots were to be counted as actual ballots  
 10      and not in the case of a close run-off or something to  
 11      that extent. You know, we believe in making elections  
 12      bullet proof, and we're lucky that the house and the  
 13      senate are small enough bodies to be able to  
 14      self-police, and there's a community there. If men were  
 15      angels, we wouldn't need any sort of legislation to take  
 16      care of these things, but we have to counteract the  
 17      worse angels of our nature.

18                  REPRESENTATIVE ANCHIA: But I think -- And  
 19      I agree it's a different scale that we are dealing with  
 20      in Texas elections versus how we vote on the house  
 21      floor. In some cases, different stakes too. We take  
 22      multiple votes, and there's only one -- you know, in  
 23      elections there's one vote for a particular candidate,  
 24      for example, or a particular election. But I think the  
 25      analogy holds true, and I think you're asking us to



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1 temper or at least to balance accessibility in the way  
2 we set up rules so that -- so that people are able to  
3 vote -- to have at least convenience in voting so that  
4 they manage their lives and their careers and their  
5 children as part of their lives.

6 MR. WILSON: I'd like to think of us as  
7 the teenager showing up to tell mom and dad that this  
8 isn't fair because you let older brother, sister do X, Y  
9 and Z. We're bringing up a similar issue here.

10 CHAIRMAN SMITH: Well, you all are really  
11 losing me on this one. I mean, if we ever get to the  
12 point where we ask members of the public to vote 50  
13 times a day at whatever point a bill starts ringing, at  
14 unknowable times over a 2-month period, then I would be  
15 quite sympathetic towards the analogy, but I don't see  
16 it at all.

17 REPRESENTATIVE BONNEN: Mr. Chair?

18 CHAIRMAN SMITH: I'm slow. Representative  
19 Bonnen?

20 REPRESENTATIVE BONNEN: I think where the  
21 analogy is actually very interesting though is what I  
22 was discussing earlier, how the interest in the analogy  
23 seemed to disappear overnight. I mean, there was  
24 significant interest from organizations like the ones  
25 you are here representing and working with. It was a

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1 feverishly important issue, and it's gone, poof.

2 MR. WILSON: I think, you know, a vote is  
3 a vote is a vote is a vote.

4 REPRESENTATIVE BONNEN: Well, no, but I  
5 don't think necessarily you all have the record to say  
6 that because using your analogy there was quite a bit of  
7 editorialism and discussion and importance.

8 REPRESENTATIVE BROWN: Accusations.

9 REPRESENTATIVE BONNEN: And accusations.  
10 Thank you. To how someone would cast a vote as a member  
11 of the legislature. It was of significant importance,  
12 and I respected that importance. And then, poof, it's  
13 gone. It's not important anymore.

14 MR. WILSON: I brought this up in an  
15 editorial board meeting with the Austin American  
16 Statesman. I brought this up in other places. I  
17 apologize.

18 REPRESENTATIVE BONNEN: When? When?

19 MR. WILSON: This was -- I can't give you  
20 the exact date, but it was within --

21 REPRESENTATIVE BONNEN: Ballpark it.

22 MR. WILSON: The last few weeks.

23 REPRESENTATIVE BONNEN: Okay. But -- And  
24 I appreciate that, and I apologize if it was --

25 MR. WILSON: No, no, no.



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1 REPRESENTATIVE BONNEN: -- simply directed  
2 at you, but, I mean -- but, I mean, my point is it seems  
3 to no longer be an issue. It went away in a moment's  
4 notice.

5 MR. WILSON: And do you have --

6 REPRESENTATIVE BONNEN: Well, if it was  
7 prior to changing though. I mean, you know --

8 CHAIRMAN SMITH: I just think that's -- a  
9 potential explanation is that I think we changed the  
10 rules to --

11 REPRESENTATIVE BONNEN: No, that's not  
12 really --

13 CHAIRMAN SMITH: -- to sell that.

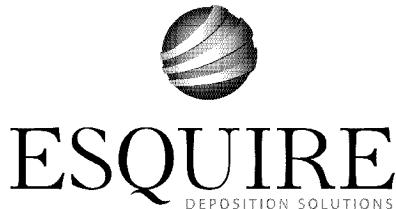
14 REPRESENTATIVE BONNEN: You can believe it  
15 to be, but --

16 CHAIRMAN SMITH: So that practice on the  
17 house floor was no longer in violation of the written  
18 rule.

19 REPRESENTATIVE BONNEN: I think the  
20 discussion, the interest, the concern and the thought of  
21 the issue fell off long before we adopted the house  
22 rules.

23 CHAIRMAN SMITH: Well, we -- if your  
24 allegation --

25 REPRESENTATIVE BONNEN: -- which candidly



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1 it really doesn't matter.

2 CHAIRMAN SMITH: If your allegation is  
3 that it occurred at the time we elected a new speaker --

4 REPRESENTATIVE BONNEN: I'm not making an  
5 allegation.

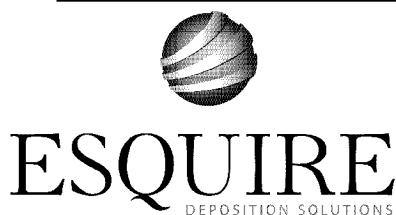
6 CHAIRMAN SMITH: I think we adopted the  
7 house rules within a matter of days after electing a new  
8 speaker.

9 REPRESENTATIVE BONNEN: I'm not -- I'm not  
10 making an allegation. I'm simply discussing the fact  
11 that it's interesting how what's important to people  
12 seems to come and go.

13 MR. WILSON: I believe that when at least  
14 speaking for public citizens, we circulated a memo to  
15 members of the house about what rules we would like to  
16 see changed, and I believe that ending ghost voting was  
17 on that. So we -- we did try and bring that up. I was  
18 not a member of the board of common cause at that time.

19 REPRESENTATIVE BONNEN: But you did -- But  
20 you did -- you yourself did recognize that it seemed to  
21 be the tide of interest in, and as you said, you talked  
22 to the Statesman editorial board and they didn't seem  
23 particularly interested anymore.

24 MR. WILSON: Well, I can't speak to their  
25 motivations or --



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1 REPRESENTATIVE BONNEN: No, I'm not -- I  
2 didn't ask you what their motivation was. They didn't  
3 write anything they had before though.

4 MR. WILSON: Okay.

5 REPRESENTATIVE BONNEN: Thank you.

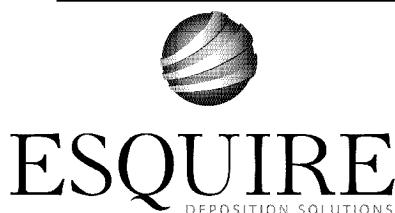
6 CHAIRMAN SMITH: Representative Brown?

7 REPRESENTATIVE BROWN: I have a question.  
8 Please tell me how I am harming my constituents or the  
9 citizens of Texas for that matter if I have to leave my  
10 desk to go to the bathroom and I ask my seat mate if I'm  
11 not back in time before the vote to vote me a certain  
12 way, so she's the one that punches the button. I made  
13 the decision, but she punches it the way I tell her to  
14 do. How am I harming anyone?

15 MR. WILSON: I will answer that in two  
16 ways, and I do mean this with the utmost respect.  
17 First, if I'm your constituent and you ask your seat  
18 mate to vote for -- in your place, I did not vote for  
19 your seat mate. I --

20 REPRESENTATIVE BROWN: But she votes the  
21 way I told her to vote.

22 MR. WILSON: All right. The second point  
23 is if I show up and vote for my mother, even if I vote  
24 the way that she told me to, I think that would be  
25 considered voter fraud, even if I had her consent. So,



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